

# The Scottish Historical Review

VOL. III., No. 11

APRIL 1906

## Ballads on the Bishops' Wars, 1638-40

THE attempt of Laud and Charles I. to impose the Service Book on Scotland, and the two wars which sprung out of that attempt, naturally produced an excitement which found expression in the popular literature both of Scotland and England. Even in the works of the poets who wrote for the Court and the Universities there are poems referring to the unsuccessful campaigns which the King undertook to suppress his recalcitrant subjects, though naturally there is no sign of sympathy for the rebels in them. Cowley has a set of verses addressed to Lord Falkland praying 'For his safe Return from the Northern Expedition against the Scots.' 'He is too good for war,' concludes Cowley, 'and ought to be<sup>1</sup> As far from danger as from fear he's free.' Davenant has a poem of over a hundred lines called 'The Plots,' in which he describes the spread of Presbyterianism from Scotland to England and the conspiracy of 'Calvin's meek sons' against the English Church and Crown. It was not the arms of the soldiers under Leslie, but the intrigues of Court nobles such as Hamilton and others, that were really to be feared is his conclusion :

'We feared not the Scots from the High-land nor Low-land ;  
Though some of their leaders did craftily brave us,  
With boasting long Service in Russe and Poland,  
And with their fierce breeding under Gustavus.

'Not the Tales of their Combats, more strange than Romances,  
Nor Sandy's screw'd Cannon did strike us with wonder ;  
Nor their Kettle-Drums sounding before their long Launces,  
But Scottish-Court-whispers struck surer than Thunder.'<sup>2</sup>

<sup>1</sup> *Works*, ed. 1700, p. 7.

<sup>2</sup> Sir W. Davenant, *Works*, ed. 1673, p. 304.

In popular poetry of the eventful years from 1638 to 1640, the feeling of the time found much more frequent and more outspoken utterance, though but few of the perishable broad sheets on which it was printed have survived. A small collection of these productions was printed in 1834, 'Ballads and other Fugitive Poetical Pieces, chiefly Scottish, from the collections of Sir James Balfour.' Some of them, and many others, are included in Maidment's *Book of Scottish Pasquils*, ed. 1868. On the other hand, English collections of ballads, such as those published by the Percy Society and those edited by Mr. Chappell and Mr. Ebsworth for the Ballad Society, contain practically no pieces dealing with this particular episode in the relations of England and Scotland. Yet there is ample evidence that such pieces were printed in considerable numbers. Those in favour of the Scots were naturally suppressed by the English government. Rushworth prints a proclamation, dated March 30, 1640, against 'libellous and seditious pamphlets and discourses from Scotland,' said to be circulated both in manuscript and in print, especially in London.<sup>1</sup> Balladmakers suffered the same penalties as pamphleteers. 'There was a poor man,' says a pamphlet, 'who to get a little money, made a song of all the caps in the kingdom, and at every verse end, concludes thus:

"Of all the caps that ever I see,  
Either great or small, blue cap for me."

But his mirth was quickly turned into mourning for he was clapt up in the Clinke for his boldness to meddle with any such matters.'<sup>2</sup> The ballad itself was probably an adaptation of an older one, written perhaps about 1634, which is to be found in print in the *Roxburghe Ballads*, i. 75; but however innocent its words, anything in favour of the Scots was for the moment regarded as hostile to the government. The reaction came in 1640, when the King was obliged to summon the Long Parliament, and the gratitude which most of the English people felt towards the Scots could freely express itself. 'In their printed ballads,' writes Robert Baillie, 'they confess no less, for their binding word is ever "grammercie, good Scot."'<sup>3</sup> One ballad with this refrain, entitled 'A New Carrel for Christmasse, made and sung at London,' is reprinted in the Balfour collection

<sup>1</sup> *Historical Collections*, iii. 1094.

<sup>2</sup> *A Second Discovery by the Northern Scout*, p. 7, 1642.

<sup>3</sup> *Baillie Letters*, i. 283.



mentioned above (p. 36). A different version of it, with the variant 'God 'a mercy, good Scott,' is contained in the Diary of John Rous, published by the Camden Society in 1856 (p. 110). A third, with an entirely different text, may be found in Maidment's *Book of Scottish Pasquils* (p. 106). Fragments of ballads and verses in favour of the Scots may also be found in some of the prose pamphlets of the time. One called 'The Scots Scouts Discoveries by their London Intelligencer,' purports to give a description of the condition of England in 1639, as the spies of the Covenanters reported it to the Lords of the Covenant. Everywhere the spies note the general hatred which prevailed in the populace against the bishops, and the general sympathy with the men who were struggling against episcopacy. One of them describes the state of the King's camp at Berwick in May 1639, and the discontent of the miscellaneous army Charles had got together, amongst whom indifference to the cause was heightened to aversion by the discomforts of their service.

'I met with a great many gamesters there, and with some players and poets; but all out of imployment: yet a poet told me; that, because he would keep his hand in use, he made every day a few lines in verse; a parcel whereof he gave me as followeth:

"No Enemy's face yet have we seen  
Nor foot set upon your ground;  
But here we lie in open field,  
With rain, like to be drown'd.

"The earth's my bed, when I am laid  
A turf it is my pillow,  
Our canopy is the sky above,  
My laurel turn'd to willow.

"Then mighty Mars with-hold thy hand,  
And Jove thy fury cease;  
That so we may, as all do pray,  
Return again in Peace."

'Most of the common soldiers in the camp,' continues the Intelligencer, 'are such as care not who lose, so they get, being mere atheist and barbarian in these revolutions: and indeed they are the very scum of the kingdom, such as their friends have sent out to be rid of, who care not if both kingdoms were on fire, so they might share the spoil.' Nevertheless, to inform them better of the real cause of the quarrel, the

Intelligencer represents himself as sticking up the following queries in verse, under the orders posted in the camp for the government of the army.

'What will you fight, for a Book of Common Prayer?  
 What will you fight, for a Court of High Commission?  
 What will you fight, for a miter gilded fair?  
 Or to maintain the prelates proud ambition?  
 What will you get? You must not wear the miter.  
 What will ye get? You know we are not rich.  
 What will you get? Your yoke will be no lighter.  
 For when we're slain, this rod comes on your Breech.'

No doubt the incident related was pure invention, but the verses nevertheless exactly represent the feeling of the moment at which they were supposed to be written.<sup>1</sup>

The two pamphlets quoted both bear the imprint 1642, though they were certainly composed, and no doubt clandestinely circulated earlier. Probably in consequence of the activity of the government in repressing them, few of the pro-Scottish ballads have reached us except those preserved in Scottish Collections. However, amongst the State Papers in the English Record Office there is a Scottish ballad on the subject of the Marquis of Hamilton's return to Court, in July 1638, after his negotiations with the Covenanting leaders. The *Calendar of Domestic State Papers*, 1638-9, prints a couple of verses, but the readers of the *Review* will probably like to have the whole eleven.<sup>2</sup>

'Ane misseif letter  
 Parrafraist in mitter.

'My Lord yowr vnexpectit post  
 To Court, maid me to miss  
 The happines which I love most  
 Your Lordshipe's handes to kisse.

'But tho with speid ye did depairt  
 so fast ye shall not flie  
 As to unty[?] my loving heart  
 Which yowr convoy shall be.

'I neid not to impairt to yow  
 How our church staite do stand  
 by this new service buik which now  
 so trouble all the Land.

<sup>1</sup>'The Scots Scouts Discoveries' is reprinted in the collection of pamphlets entitled *Phoenix Britannicus*, 1732, 4to, pp. 454-473.

<sup>2</sup>*Calendar*, p. 270. The original is Volume 408, number 115, and is undated.

'Nor dar I the small boat adventure  
Of my most schallow braine  
vpone thees fearfull seas to enter  
In this tempestious maine.

'vnles that by authoritie  
I chargit be to do so,  
Which may command and scheltir me  
frome schipwraik and from vo.

'Therefor to God Its to dispose  
this cause I will commend,  
for wofullie it is by those  
abusit who should it tend.

'Ane lyk it is to bring great ill  
Since it intrustit was  
To those had nather strenth nor skill  
To bring such things to pas.

'Bot or thees flames should quenchit be  
that they haue set on fyre,  
both wisdom and authoritie  
that maitter doth requyre.

'Ane varlyk nation still we are,  
Which soone may flatrit be  
Not forst and brokin once we are  
most Loth than to agrie.

'So I commend yow to the Lord  
And shall be glad if I  
my cuntrie service can afford  
my loue to yow to try.

'And howsoeuer, I remain  
Your Lordshipes whil I die  
And for your glad returne again  
Your Beidman I shall be.'

FINIS.

Ballads against the Covenanters are more easy to find, partly because they were not suppressed but encouraged by the King's government, partly, perhaps, because they were in reality more numerous. 'There hath been,' says one of the pamphlets before quoted, 'such a number of ballad makers and pamphlet writers employed this year, as it is a wonder, everything being printed that hath anything in it against the Scots.' 'Halter and ballad makers,' says the other, 'are two principal trades of late: ballads being sold by whole hundreds in the City, and halteris sent by whole barrels full to Berwick, to hang up the rebels with as soon as they can catch them.' Some celebrated the valour of the

Welsh soldiers, who were said to be extremely zealous for the King. 'There is a kind of beagles runs up and down the town, yelping out your destruction crying: "O the valour of the Welchmen! who are gone to kill the Scots." But give the Welchmen leeks and good words, and call them "bold Britons," and then you may do with them what you will.' Every rumour from the camp and every report of a victory, whether real or not, was at once put into rhyme. 'Such news as this comes out by owl-light, in little books or ballads, to be sold in the streets; and I fear it is held a prime piece of policy of state: for, otherwise how could so many false ballads and books be tolerated? Yet the next morning sun exhales all their vain evening vapours: as that news of taking Leslie prisoner; killing of Colonel Crayford; and imprisoning most of the nobility. But I never believed it, because if they had been true ballads they would have been sung by daylight, books printed, bonfires made, and a solemn procession, with a *Te Deum* at least, had not been wanting at Lambeth.'

<sup>1</sup>

Yet even the most effusively loyal ballad writer was liable to be severely punished for any ill-advised comments on public affairs, which happened to give displeasure to the authorities. This was the case with 'one Parker, the prelates poet, who had made many base ballads against the Scots.' He 'narrowly escaped jail and a whipping to boot' when the Long Parliament met. 'Now,' says a pamphlet, dated 1641, 'he swears he will never put pen to paper for the prelates again, but betake himself pitcht kanne and his tobacco pipe, and learn to sell his frothie potts again, and give over poetry.'

<sup>2</sup>

This was the famous Martin Parker, who between 1630 and 1656 was the best known and most prolific ballad writer of the time. Amongst Anthony Wood's collection in the Bodleian there are copies of three of his ballads against the Scots, which are not mentioned by Mr. Seccombe in his article on Parker in the *Dictionary of National Biography*, and have never been reprinted. Their merits are rather historical than poetical. The first wishes the King good fortune in his expedition against Scotland, and incidentally sketches the history of the rebellion he was setting forth to quell.

<sup>1</sup> 'The Scots Scouts Discoveries,' *Phoenix Britannicus*, pp. 466, 467.

<sup>2</sup> *A Second Discovery by the Northern Scout*, 1642, p. 8. See also *Vox Borealis*, 1641.

## A TRUE SUBJECTS WISH

For the happy successe of our Royall Army preparing to resist the factious Rebellion of those insolent Covenanters (against the Sacred Majesty of our gracious and loving King *Charles*) in *Scotland*.

To the tune of, *O how now Mars, etc.*

- ' If ever England had occasion  
Her ancient honour to defend,  
Then let her now make preparation,  
Unto a honourable end:  
the factious Scot  
is very hot,  
His ancient spleene is ne'er forgot  
He long hath bin about this plot.
- ' Under the colour of religion,  
(With hypocriticall pretence)  
They make a fraction in that Region,  
And rise against their native Prince,  
whom heaven blesse  
with happinesse,  
and all his enemies represses,  
accurst be he that wisheth lesse.
- ' Our gracious Severaigne very mildely  
Did grant them what they did desire,  
Yet they ingratefully and vildly,  
Have still continued the fire  
of discontent  
against government,  
but England now is fully bent,  
proud Jocky's bosting to prevent.
- ' It much importeth England's honour  
Such faithlesse Rebels to oppose,  
And elevate Saint Georges banner,  
Against them as our countries foes,  
and they shall see  
how stoutly we,  
(for Royall *Charles* with courage free)  
will fight if there occasion be.
- ' Unto the world it is apparent  
That they rebell ith' high'st degree,  
No true Religion wil give warrant,  
That any subiect arm'd should be,  
against his Prince  
in any sence,  
what ere he hold for his pretence,  
Rebellion is a foule offence.

## Professor C. H. Firth

‘Nay more to aggravate the evill,  
 And make them odious mongst good men,  
 It will appeare, that all their levell,  
 Is change of government, and then,  
     what will insue,  
     amongst the crew,  
 but *Jocky* with his bonnet blew,  
 both Crown and Scepter would subdue.

‘Who of these men will take compassion,  
 That are disloyall to their king,  
 Amongst them borne in their owne nation,  
 And one who in each lawfull thing,  
     doth seeke their weale,  
     with perfect Zeale,  
 to any good man I’le appeale,  
 if with King Charles they rightly deale.’

*The Second Part, to the same tune.*

‘The Lord to publish their intentions,  
 Did bring to light a trecherous thing,  
 For they to further their inventions,  
 A Letter wrote to the French King,  
     and in the same,  
     his aide to claime,  
 with subtlety their words they frame,  
 which letter to our Sovereaigne came.

‘Then let all loyall subjects judge it,  
 If we have not a cause to fight,  
 You who have mony doe not grudge it,  
 But in your king and countries right,  
     freely disburse,  
     both person, purse  
 and all you may to avoyd the curse,  
 of lasting warre which will be worse.

‘If they are growne so farre audacious,  
 That they durst call in forraine aide,  
 Against a king so milde and gracious,  
 Have we not cause to be afraid,  
     of life and blood,  
     we then had stood,  
 in danger of such neighbourhood,  
 in time to quell them twill be good.

‘Then noble Country-men be armed,  
 To tame these proud outdaring Scots,  
 That Englands honour be not harmed,  
 Let all according to their lots,  
     courageously  
     their fortune try,  
 against the vaunting enemy,  
 and come home crownd with victory.



'The noble Irish good example,  
 Doth give of his fidelity,  
 His purse, and person is so ample,  
 To serve his royall maiesty,  
     and gladly he  
     the man will be,  
 to scourge the Scots disloyalty,  
 if England's honour would agree.

'Then we more neerely interested,  
 Ith future danger that might chance,  
 If that against our soveraigne blessed,  
 Those rebels had got aide from France,  
     should not be slacke,  
     nor ere shrinke backe,  
 or let King *Charles* assistance lacke,  
 to tame in time this saucy Jacke.

'We have a Generall so noble,  
 (The great Earle of Northumberland)  
 That twill (I trust) be little trouble,  
 Those factious rebels to withstand:  
     his very name  
     seemes to proclaime,  
 and to the world divulge the same,  
 his ancestors there won such fame.

'The God of hosts goe with our army,  
 My noble hearts for you ile pray,  
 That never any foe may harme ye,  
 Nor any stratagem betray  
     your brave designe,  
     may beames divine,  
 upon your ensignes brightly shine,  
 Amen say I, and every friend of mine.

'M. P.'

FINIS.

Printed at London by E. G. (C), and are to be sold at the Horse-shoe in Smithfield.<sup>1</sup>

The mention of the tune to which the foregoing ballad is to be sung, enables us to identify another of Parker's productions. It is probable that he was the author of the verses against the Scots beginning, 'Oh how now Mars what is thy humour,' answered stanza by stanza by some poet of the Covenanting party and printed under the title of 'An English Challenge and Reply from Scotland' (*Ballads from the collection of Sir James*

<sup>1</sup> Wood, folio Ballads, 401, f. 141. (Black letter, 3 cuts.)

*Balfour*, p. 29; *Maidment's Pasquils*, p. 134). Both were evidently written in 1639, and belong to the first Bishops' War.

The ballad which comes next was certainly written about the beginning of September, 1640, just after the rout at Newburn, which took place on August 28, 1640.

#### BRITAINES HONOUR

In the two Valiant *Welchmen*, who fought against fiftene thousand *Scots*, at their now comming to *England* passing over *Tyne*; whereof one was kill'd manfully fighting against his foes, and the other being taken prisoner, is now (upon relaxation) come to *Yorke* to his Majestic.

The tune is, *How now Mars, etc.*

'You noble *Brittaines* bold and hardy,  
That justly are deriv'd from Brute,  
Who were in battell ne'er found tardy,  
But still will fight for your repute;  
'gainst any hee,  
What e'r a' be,  
Now for your credit list to me,  
Two *Welchmens* valour you shall see.

'These two undaunted Troian worthies,  
(Who prized honour more than life,)  
With Royal *Charles*, who in the North is,  
To salve (with care) the ulcerous strife;  
Which frantick sots,  
With conscious spots,  
Bring on their sowles; these two hot shots,  
Withstood full fiftene thousand *Scots*.

'The manner how shall be related,  
That all who are King *Charles* his friends  
May be with courage animated,  
Unto such honourable ends;  
These cavaliers,  
Both Musquetiers,  
Could never be possest with feares,  
Though the *Scots* Army nigh appeares.

'Within their workes neere *Tyne* intrench'd  
Some of our Soveraignes forces lay;  
When the *Scots* Army came, they flinched,  
And on good cause retyr'd away;  
Yet blame them not,  
For why the *Scot*,  
Was five to one, and came so hot,  
Nothing by staying could be got.

'Yet these two Martialists so famous,  
One to another thus did say;  
Report hereafter shall not shame us,  
Let *Welchmen* scorne to runne away;  
Now for our King,  
Lets doe a thing  
Whereof the world shall loudly ring  
Unto the grace of our off-spring.

'The vaunting *Scot* shall know what valour,  
Doth in a *Britains* brest reside;  
They shall not bring us any dolour;  
But first we'll tame some of their pride.  
What though we dy,  
Both thee and I:  
Yet this we know assuredly,  
In life and death ther's victory.'

*The second part, to the same tune.*

'With this unbounded resolution,  
These branches of *Cadwalader*;  
To put their wills in execution  
Out of their trenches would not stir,  
But all night lay,  
And would not stray,  
Out of the worke, and oth' next day,  
The *Scots* past o'r in Battell aray.

'The hardy *Welchmen* that had vowed,  
Like *Jonathan* unto his *David*;  
Unto the *Scots* themselves they showed,  
And so courageously behaved  
Themselves that they  
Would ne'r give way,  
But in despite oth' foe would stay,  
For nothing could their minds dismay.

'Even in the Jawes of death and danger  
Where fiftene thousand was to two,  
They still stood to 't and (which is stranger)  
More then themselves they did subdue,  
Courage they cry'd;  
Lets still abide,  
Let *Brittaines* fame be dignifi'd,  
When two the Scottish hoasts defi'de.

'At length (when he two *Scots* had killed)  
One of them bravely lost his life,  
His strength and courage few excelled;  
Yet all must yeeld to th' fatall knife.  
The other hee,  
Having slaine three,  
Did Prisoner yeeld himself to be,  
But now againe he is set free.

## Professor C. H. Firth

'This is the story of these victors,  
 Who as they sprung oth' Troians race,  
 So did they show like two young Hectors;  
 Unto their enemies disgrace;  
     Hereafter may,  
     Times children say,  
 Two valiant Welchmen did hold play,  
 With fiteene thousand *Scots* that day.

'His Maiesty in Princely manner,  
 To give true vertue it's reward;  
 The man surviving more to honour,  
 Hath in particular regard.  
     Thus valiant deeds,  
     Rewards succeeds,  
 And from that branch, which valour breeds,  
 All honourable fruit proceeds.

'Now some may say (I doe confesse it)  
 That all such desperate attempts  
 Spring only from foole hardinesse; yet  
 Who ever this rare deed exempts,  
     From valour true,  
     (if him I knew)  
 I would tell him (and 'twere but due)  
 Such men our Sovereigne hath too few.

'For surely tis a rare example,  
 Who now will feare to fight with ten,  
 When these two lads (with courage ample)  
 Opposed fiteene thousand men,  
     Then heigh for *Wales*,  
     *Scots* strike your Sayles,  
 For all your proiects nought prevailes,  
 True *Brittains* scorne to turne their tayles.

'M. P.'

FINIS.

London, Printed by E. G. and are to be sold at the Horse Shooe in Smith-field.<sup>1</sup>

The third of Parker's ballads celebrates a trifling success, which for a moment gave fresh hopes to King Charles. Baillie thus relates it: 'Sir Archibald Douglas, going out of Durham with a troupe of horse to view the fields, contrare to his commission, foolishlie passed the Tyse, and swaggering in the night in a villadge without a centinell, was surprised by the King's horse with all his troupers' (*Letters*, i. 261). His story is confirmed by the letters of Sir Henry Vane and Captain

<sup>1</sup> Wood, folio Ballads, 401, f. 132. (Black letter, 3 cuts.)

John Digby (*Calendar of Domestic State Papers*, 1640-1, pp. 79-81) and told with some additional details in the Life of Sir John Smith, published in 1644 (*Britannicae Virtutis Imago or the Effigies of true Fortitude*, Oxford, 1644, pp. 7-8). The account given in the ballad is much more accurate than ballads usually are, though it makes the prisoners 39 in number instead of 37.

## GOOD NEWES FROM THE NORTH,

Truly relating how about a hundred of the *Scottish* Rebels, intending to plunder the house of M. *Thomas Pudsie* (at *Stapleton* in the Bishoprick of *Durham*), were set upon by a troupe of our horsemen, under the conduct of that truly valorous gentleman Lieutenant *Smith*, Lieutenant to noble S<sup>r</sup>. *John Digby*; thirty nine of them (wherof some were men of quality) are taken prisoners, the rest all slaine except foure or five which fled, wherof two are drowned. The names of them taken is inserted in a list by it selfe. This was upon Friday about fore of the clock in the morning, the eighteenth day of this instant September, 1640.

The tune is, *King Henry going to Bulloine.*

- 'All you who wish prosperity,  
To our King and Country,  
and their confusion which falce hearted be,  
Here is some newes (to cheare your hearts,)  
Lately from the Northerne parts,  
of brave exployts perform'd with corage free.
- 'The Scots (there in possession),  
Almost beyond expression,  
afflict the people in outrageous wise;  
Besides their lowance (which is much)  
The cruelty of them is such,  
that all they find they take as lawfull prize.
- '*Sheepe, Oxen, Kine, and Horses,*  
Their quotidianl course is  
to drive away wherever they them finde;  
Money plate and such good geere,  
From the Houses far and neere,  
they beare away even what doth please their mind.
- 'But theirs an ancient adage,  
Oft used in this mad age,  
the pitcher goes so often to the well;  
That it comes broken home at last,  
So they for all their knavery past  
shall rue ere long though yet with pride they swell.'

- ‘As this our present story,  
 (To the deserved glory,  
     of them who were the actors in this play,)  
 Unto you shall a relish give,  
 Of what (if heaven let us live;)   
     will come to pass which is our foes decay.
- ‘Those rebels use to pillage,  
 In every country Village,  
     and unresisted romed up and downe;  
 But now at last the greedy *Scot*,  
 Hath a friday’s breakefast got,  
     few of such feasts wil pull their courage down.
- ‘At foure o’th clock i’th morning,  
 (Let all the rest take warning)  
     about a hundred of these rebels came;  
 To M *Pudsey’s* house where they,  
 Make sure account to have a prey,  
     for their intention was to rob the same.
- ‘Of no danger thinking,  
 To eating and to drinking,  
     the *Scots* did fall, but sure they said no grace,  
 For there they eat and drank their last,  
 With ill successe they brake their fast,  
     most of them to disgest it had no space.
- ‘An English troope not farre thence,  
 Had (it seemes) intelligence  
     of these bad guests at Master *Pudseyes* house,  
 And with all speed to *Stapleton*  
 With great courage they rode on,  
     while *Jocky* was drinking his last carouse.
- ‘The house they did beleaguer  
 And like to Lions eager,  
     they fell upon the *Scots* pell-mell so fast,  
 That in a little space of time,  
 By th’ Rebels fall our men did clime,  
     they paid them for their insolencies past.’

*The second part. To the same tune.*

- ‘In briefe the brave Lieutenant,  
 With his men valiant,  
     so plaid their parts against the daring foes,  
 That quickly they had cause to say,  
 Sweet meat must have sowre sauce alway,  
     for so indeed they found to all their woes.



## Ballads on the Bishops' Wars

271

'Thirty nine are prisoners taine,  
And all the rest outright are slaine,  
except some four or five that ran away,  
And two of those (as some alledge)  
Were drown'd in passing o'er Crofts bridge,  
so neer they were pursu'd they durst not stay.

'Of them who are in durance  
(Under good assurance)  
some officers and men of quality,  
Among them are, 'tis manifest,  
To them who will peruse the List,  
Wherein their names are set down orderly.

Thus worthy *Smith* his valour,  
Hath showne unto the dolor,  
of these proud Rebels, which with suttle wiles,  
Came as in zeale and nothing else,  
But now deare bought experience tels  
those were but faire pretences to beguil's.

'But th' end of their intention  
Is if (with circumvention)  
they can make us beleeve what they pretend,  
They hold us on with fained words,  
And make us loath to draw our swords,  
to worke our ruin, that's their chiefest end.

'But God I trust will quickly,  
Heale our Kingdome sickly,  
too long indeed sick of credulity;  
And their blind eyes illuminate,  
Who bring this danger to the State,  
by trusting to a friend-like enemy.

Ile dayly pray and hourelly,  
As it doth in my power lye,  
to him by whom Kings reigne; that with successe,  
King Charles goe on and prosper may,  
And (having made the Scots obay,)  
rule or'e his Lands in peace and happinesse.'

*List of Prisoners, etc., given at the end of 'Good Newes from the North' [Wood, fol. Ballads, 401, f. 134].*

18 Septemb. 1640 being Fryday morning. At Stapleton 3 miles beyond Pearce bridge wee met with the Scots at 4 of the Clocke in the morning, at Master Pudseys house in the Bishopricke of Durham, at breakfast, when wee made our Skirmish, Lieutenant Smith had the day, five or six of them

escaped by Croft bridge, where they say they make their *Rendezvous*, the prisoners that were taken, are these that follow, viz.

- |  |  |
|--|--|
| 1. Sir Archibald Douglass, Sergeant<br>Maïor to Collonell. | 19. Rob. Leisley.                          |
| 2. James Ramsey.   | 20. Ja. Ramsey.                            |
| 3. John Leïrmouth, Lieutenant to<br>Captaine Ayton.        | 21. Allen Duckdell a dutch boy<br>wounded. |
| 4. Hopper Cornet to the Maïor<br>Duglasse.                 | 22. Alexander Fordringham.                 |
| 5. Ja. Ogley, Sarjeant to the said<br>Maïor.               | 23. Jo. Catricke.                          |
| 6. Patrick Vamphogie troupe.                               | 24. Allen Levingston.                      |
| 7. James Coldvildell.                                      | 25. George Harret.                         |
| 8. James Levingston.                                       | 26. Andrew Tournes.                        |
| 9. Hector Mackmouth.                                       | 27. Robert Watts.                          |
| 10. John Cowde.  | 28. Alexander Watts.                       |
| 11. John Hench.  | 29. William Anderson.                      |
| 12. Alexander Paxton, wounded.                             | 30. Jo. Layton.                            |
| 13. William Ridge.   | 31. Alex. Dick.                            |
| 14. David Buens wounded.                                   | 32. Patricke Cranny.                       |
| 15. Adam Bonnyer.  | 33. William Simpson.                       |
| 16. Rob. Ferrony.  | 34. Tho. Husband neere dead.               |
| 17. Jo. Milverne.  | 35. Jo. Hill.                              |
| 18. David Borret.  | 36. Thomas Ferley.                         |
|  | 37. Andrew Whitehall.                      |
|  | 38. James Vianley.                         |

FINIS.

M. P.

London: Printed by E. G. and are to be sold at the signe of the Horse-shooc in Smithfield, 1640.<sup>1</sup>

The last ballad in this series is not by Parker, but by some unknown writer, and it is derived not from a printed broad sheet but from a manuscript, which probably formed part of the miscellaneous verses collected by Archbishop Sancroft in his youth. The original is in the Bodleian Library, in volume 306 of the Tanner MSS. (p. 292). It is endorsed simply, 'Verses against the Scots coming into England,' and was probably written about January 1641, during the early days of the Long Parliament, but before the execution of Strafford had taken place. Clarendon describes the leaders of the popular party in the Parliament as willing to provide money for the support of the two armies then 'in the bowels of the kingdom,' namely, the King's own army and the Scots, but unwilling to pay them off. There was not, he says, 'the least mention that the one should return into Scotland, and the other be disbanded that so that vast expense might be determined: but, on the contrary, frequent insinuations were given that

<sup>1</sup> Wood, folio Ballads, 401. f. 134. (Black letter, 3 cuts.)

many great things were first to be done before the armies could disband' (*Rebellion*, Bk. iii., § 23). This is exactly the situation described by the poet, who represents the Scots as protesting their intention of staying permanently in England, and never consenting to be disbanded.

'Let Englishmen sitt and Consult at their ease  
And put downe their Bishops as fast as they please;  
Let them hang up the Judges and all the Kings friends,  
And talke of Religion to serve their own Ends:  
Let them doe what they will to put on the plot,  
If ere we returne, then hang up the Scot.

'Let Puritans rise, let Protestants fall,  
Let Brownists find favor, and Papists loose all;  
Let them dam all the Pattents that ever were given,  
And make Pymm a Saint, though he never see heaven,  
Let them prove Madam Purbeck<sup>1</sup> to be without Spott  
If ere we returne, then hang up the Scot.

'Let them firke the Lieutenant<sup>2</sup> as much as they will,  
And lett the Scotts Army come on forwards still;  
Let them charge him with Treasons tho never so great,  
And make all such Traytors as shall but eate Meat:  
All this will not doe, nor help them a jott,  
If ere we returne, then hang up the Scot.

'Let all the Contrivers build Castles i' th' aire,  
And laugh in their sleeves that things go so faire;  
Let them send privy Councillors over to France,  
And teach them to follow the Lord Keeper's dance:<sup>3</sup>  
Let all this go on, be they never so hot,  
If ere we returne, then hang up the Scot.

'Let all things be carryed in such a strange way  
As no man shall know what to thinke, or to say:  
Let Chronicle Writers now stand stil and wonder,  
To see this great business they must now go under:  
Let the Glory of their Nation be cleerly forgott  
If ere we returne, then hang up the Scot.

'Let giving of Subsidyes be so delay'd,  
And at the Kings charges let them ever be payd  
Though many beleeve we come for their good,  
And therefore are loth we should spend any blood:  
When ere we come here, you must all to the pott,  
Then too late you will say, Lett us hang up the Scot.'

C. H. FIRTH.

<sup>1</sup> Frances Coke, wife of John Villiers, Viscount Purbeck. See Gardiner's *History of England*, viii. 144.

<sup>2</sup> Strafford.

<sup>3</sup> An allusion to the flight of Lord Keeper Finch, Dec. 22, 1640.

## Portraits and Jewels of Mary Stuart

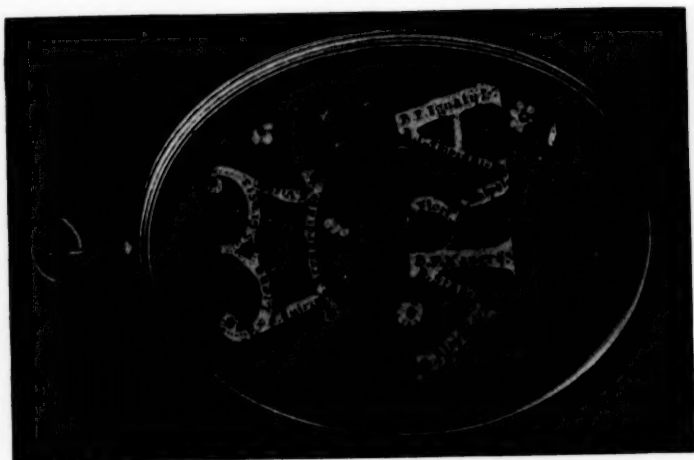
### VII.<sup>1</sup>

WRITERS on the subject of Mary's portraits usually leave a gap between the Sheffield type of 1578, and the Memorial Portraits, executed posthumously, after the death of the Queen. But it is, we think, quite certain that portraits of Mary were done in the latest years of her life, when, as shown in the Blairs College Memorial Portrait, her face had grown older and stouter than it was in 1578. As proof of this, in her book, *The Tragedy of Fotheringay* (p. 244), Mrs. Maxwell Scott photographs a reliquary, inscribed M.A.R. (*Maria Angliæ Regina*) in the possession of Lady Milford, with a miniature of Mary. She wears not a white but a black cap, black ear-rings, and, round the neck and on the breast, a profusion of black ornaments which had come into fashion, as several contemporary likenesses of ladies prove. The hair and eyes are brown, the eyebrows are very faintly indicated (they are much more distinct in the Sheffield type); the nose is long and low, as in the Morton portrait, not as in Oudry's, a beak. This miniature is probably a very good likeness of the Queen at about forty years of age, the face is decidedly plump. The little portrait's exactness is fully corroborated by the description of Winkfield, an eye-witness of her execution. 'Her face full and flat, double-chinned, and hazel-eyed.'<sup>2</sup> The miniature varies much from the Oudry and Morton types, in which the face is thin and long, and younger than in Lady Milford's reliquary. One is led to think the Queen sat to an artist about 1583-86.

Mrs. Maxwell Scott remarks that 'the date can be fixed as being not later than 1622'; it belonged to the Darrell

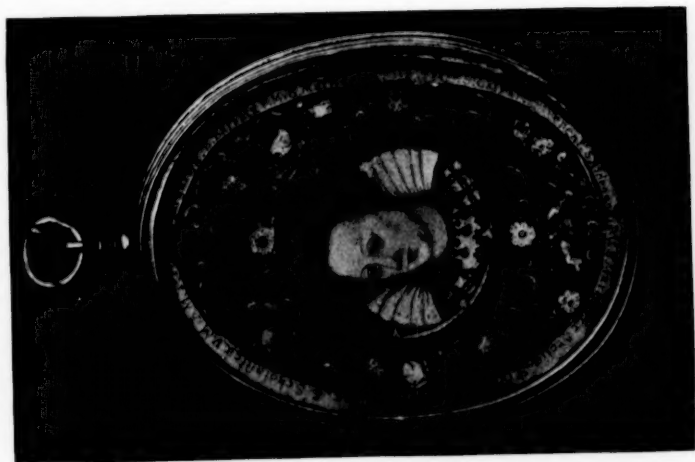
<sup>1</sup> See *Scottish Historical Review*, vol. iii. p. 129.

<sup>2</sup> MS. in the Bodleian, numbered E. Muses, 178, cited by Mr. Cust (pp. 99, 100), from *Oxford Historical Society's Publications*, vol. xxxiv. 1897.



BACK OF LADY MILFORD'S RELIQUARY.

See page 274.



LADY MILFORD'S MINIATURE OF MARY IN A RELIQUARY.

*Date circa 1584-86.**By permission of Messrs. Dickinson.*

fan  
ste  
att  
in  
and

in  
thi  
W  
ex  
' r  
th  
ha  
be  
m  
pr  
It  
its  
is  
of  
E  
m  
ac  
ne  
fo  
H  
hi  
N  
C  
a  
m  
m  
d  
co  
ti  
S  
v  
C  
c  
L  
c



## Portraits and Jewels of Mary Stuart 275

family, and 'a Darrell was appointed to be Queen Mary's steward during her captivity.' Mr. Marmaduke Darrell attended Mary's funeral at Peterborough. Among the relics in the reliquary are those of 'Blessed Campion,' Walpole, and Garnet.

I am disposed to consider this the best portrait of Mary in her last years. By a happy chance, I had no sooner recorded this venture at an opinion than I found it corroborated by Dr. Williamson. He observed a similar miniature, not quite so well executed, I think, in the Rijks Museum. This piece he calls 'really one of the most important miniatures of Mary Stuart that have been preserved.'<sup>1</sup> A miniature of this period, in the hands of Jane Kennedy or Elizabeth Curle, at Antwerp, may be the source of the Memorial Portrait at Blairs College. The miniature once in the possession of Lady Orde, and now the property of Captain Edwards Heathcote, is of the same order. It has been attributed to Hilliard, and the curious story of its *provenance* may seem to justify the attribution.<sup>2</sup> The anecdote is given by Mr. Foster, from a narrative dictated by a lady of the Edwards family. It is said that, about 1801, a Mr. Edwards did a piece of diplomatic service for the British Government. He refused a sum of £500 as reward, he had only acted, he said, out of private friendship for Lord Spencer. That nobleman then presented Mr. Edwards with nine miniatures, found in France, and once in the possession of the Royal House of Stuart. Among the nine were Henry, Prince of Wales, his brother Charles, and Mary Queen of Scots, all by Hilliard. Now this miniature is that once owned by the Dowager Lady Orde, and published by Mr. Cust (Plate xvi). It is larger, and shows more of the dress and figure than Lady Milford's miniature. The cap is white, not black, the eyebrows are much more marked, the nose is slightly aquiline, but the chin is double. Probably Lady Milford's is the better likeness; it corresponds better to the Rijks Museum miniature. These three portraits are all later, I think, by several years, than the Sheffield type of 1578. They represent an older and stouter woman. They lead up naturally to the Mary of the Blairs College posthumous portrait, bequeathed by Elizabeth Curle, one of the Queen's faithful attendants, to the Scots College at Douai. Elizabeth also bequeathed a miniature of her mistress in a jewel of gold, given to her by Mary 'on the morning of her martyr-

<sup>1</sup> Williamson, i, 49, Plate xlvii, No. 8.

<sup>2</sup> Williamson, vol. i, 31, 32.

dom.'<sup>1</sup> Is it too rash to conjecture that this miniature was of the Milford type, and was used as a model by the artist who wrought the Memorial portrait? Mention, however, is also made of miniatures of the Queen's mother, husband, and of herself, in the possession of Elizabeth Curle: *this* miniature of Mary would doubtless represent her in her youth.

In this connection we must compare a miniature in the Museo Nazionale of Florence, reproduced, but not commented on by Mr. Cust.<sup>2</sup> The Queen wears a black cap, her hair looks grey, she has pearl ear-rings, and a black dress with pearls in patterns, no religious emblems, and a rather small laced ruff. The face is flat and fat, the eyes deep sunken in the flesh, the long low nose is bulbous at the tip, 'an enemy has done this thing,' but it seems attached to the Milford type.

We have now tried to unravel the history of the early French portraits and miniatures (1552-1561), of the Sheffield type of portrait (1578), of the Morton portrait, and of the miniatures of the Queen's latest years.

We have next to ask whether there is any likeness done during Mary's reign in Scotland (1561-1567) or any copy of such a likeness? That Scotland had no native portrait painters about this time, is more than probable. In 1682 there was no painter in Scotland! In 1581 we hear of 'Adrianc Vaensoun, Fleming, painter,' who executed for Beza the Reformer, two likenesses; the names of the sitters are not given in the Treasurer's Accounts. But, on November 13, 1579, the tutor of James VI., Peter Young, answered Beza's request for a portrait of Knox, to be reproduced in Beza's *Icones* (published in 1580). The Scots, says Young, entirely neglect the art of portrait painting. There is no portrait of Knox. But there are painters of a sort, whom Young has approached; meanwhile he sends a description of Knox, done by himself from memory. He adds in a postscript, that a painter has just brought to him heads of Knox and Buchanan on one panel.

If it was Vaensoun who executed these likenesses in 1579, he was not paid till June 1581.<sup>3</sup> That a Fleming was employed suggests the absence of native talent in Scotland. Mr. Cust points out to me that the Duke of Devonshire possesses at Hardwick, an excellent full length of James VI., dated 1574,

<sup>1</sup> Cust, p. 103.

<sup>2</sup> Cust, Plate vi, No. 2, p. 40.

<sup>3</sup> Hume Brown, *John Knox*, ii. pp. 320-324. Beza also received, at all events he published a portrait of James VI. Was that by Vaensoun?

when the King was aged eight. This must have been done in Scotland (unless a sketch was sent to France and a picture done from that), and we may conjecture that the artist, necessarily a foreigner, painted the masterly portrait of the Regent Morton, in the possession of the Earl of Morton. An even more spirited coloured sketch for this portrait exists, reproduced in Sir Herbert Maxwell's *House of Douglas*. We have found no portrait of Mary done in Scotland.

### VIII.

Mary, in Scotland, could only be painted by a foreigner. But, in 1566-67, as we have seen, Mary may have had, among her *valets de chambre*, 'Jehan de Court, peintre.' He does not appear among the *valets de chambre* in a rough list of July, 1562, now in the Bodleian Library.<sup>1</sup> That list is a household statement, like another of 1560, not an *Etat* or complete *catalogus familiae*. Mr. Way has pointed out an anecdote which raises a presumption that Mary had a painter, necessarily foreign, at her Court of Holyrood, in 1565, when she married Darnley. A picture representing the Queen, Darnley, and, behind them, David Riccio, the unhappy secretary, was sent to Cardinal Guise. He said, 'What is that little man doing in that place?' and, later (March, 1566), when the news of Riccio's murder came, the Cardinal said, 'The Scots have taken the little man out of the picture.' The authority for the story is a Hawthornden manuscript.<sup>2</sup>

If any portrait of Mary by Jehan de Court exists, the portrait exhibited in 1866 by the then Earl of Leven and Melville, and photographed in Mr. Foster's book, may be that likeness, or a copy from it. The history of this picture is obscure, and there is every reason to suppose that it is *not* an heirloom of these loyal servants of Mary, Sir Robert, Sir James, and Sir Andrew Melville; for the Melville family heirlooms have remained in the possession of the representative of the female line, Miss Cartwright Melville, while the titles adhere to the male line.

The painting (20 inches by 23) is round in form and is on canvas. It was seen, and annotated upon (in MS.), Mr. Cust says, by Sir George Scharf, who *published* nothing about it. In a communication to *The Athenaeum* (March 25, 1905)

<sup>1</sup> Privately printed, anonymously, by Thomas Thomson, without date.

<sup>2</sup> Way, xv. Chalmers, *Life of Mary*, i. xv.

Mr. Cust writes 'the portrait was then (in 1866, at the Exhibition of National Portraits at South Kensington) carefully inspected by Mr. George Scharf (afterwards Sir George Scharf, K.C.B.), and his notes and sketches are in the Library of the National Portrait Gallery. It is clear from these notes that in Scharf's opinion the Leven and Melville portrait could not in any way be accepted either as a true portrait of Mary Stuart or as a painting contemporary with her life. So decided was Scharf's opinion that I omitted the Leven and Melville portrait from those worthy of serious consideration in the book which I myself published as a contribution to the study of the authentic portraits of Mary Stuart.'

This was unfortunate, for the portrait decidedly deserved, and has since received, the study of Mr. Cust. The portrait does not vary, in complexion, features, expression, colour of hair, eyebrows, and contour of face, from the authentic early portraits, and the medal of 1558. Again, the face appears to me to be indubitably the face of the Morton portrait,—younger by many years, and happier by half an eternity. Here as in the early miniature of the Rijks Museum, we see (or at least *I* see) a Mary, not prettified in the manner of the eighteenth or nineteenth centuries (as in Hilton's copy of the Morton portrait), yet with charm, witchery, the faintest of smiles, and a pleasant slyness in the sidelong glance.

It may be unseemly to differ from an expert so distinguished as Sir George Scharf, who clearly rejected the claims of this portrait. But Sir George accepted 'the long pale face, pale red lips, pale yellow hair, and large *blue* eyes' of that interesting picture, but impossible portrait of Mary, the 'Fraser-Tytler' piece, in the National Portrait Gallery.<sup>1</sup> He also accepted the portrait with round staring eyes, black bonnet, white plume, and 'foolish expression,' picked up by the Prince Consort, and now in Buckingham Palace. Mr. Cust cannot here follow Sir George Scharf, and thinks that this painting may have been done from a bad eighteenth century engraving of a drawing from 'an original painting' of some person unnamed.<sup>2</sup> The figure, as in the Morton portrait, holds a laced handkerchief in one hand. The expression is frankly impossible in a genuine portrait of Mary, but the jewelled *carcan* round the neck ought to be examined to discover whether it corresponds with any *carcan* catalogued in the Inventories of the Queen's jewels. She does

<sup>1</sup> Cust, pp. 140-143.

<sup>2</sup> Cust, pp. 127-130.

## Portraits and Jewels of Mary Stuart 279

not wear it in a miniature in the Uffizi at Florence, where she does wear a bonnet and plume. Since we must differ from Sir George Scharf as to the Fraser-Tytler and Buckingham Palace portraits, I am encouraged to differ from him also about the Leven and Melville. I regard it as an original portrait of Mary in youth; or a copy of such an original. Of course I do not pretend to be an authority as to date of execution.

My opinion is based on the close resemblance to genuine early portraits; on what seems to me the close resemblance, allowing for difference of age, to the Morton portrait: on the witchery of the expression,—which Mary *did* possess; and on some other things which, from 'record evidence,' we know that she possessed—namely the chief jewels which the subject wears—in the Leven and Melville portrait.

As I am to rely much on the jewels for the identification of the Leven and Melville portrait, a few words must be said on the nature of the evidence. It may be urged against me that painters are apt to indulge their fancy by decorating their sitters with jewels which they do not possess. A late artist, composing a picture of a Queen, would naturally, it may be said, stick fancy jewels all over her person. To this I must reply that the artist, in this case, adorns Mary with jewels, which, as we shall show from documentary evidence, she really possessed; though most of them appear in no other known portrait of the Queen. Moreover, the painters of her day are notorious for the extreme and elaborate minuteness of their painting of jewels. (See No. II.) In the contemporary likenesses of Elizabeth of Austria, wife of Charles IX., of Louise of Lorraine, of Elizabeth of France, wife of Philip II. of Spain, of Henri III., and others, the jewels are, indeed, all in the same taste and style, as is natural, as those of the Leven and Melville portrait; but are by no means identical with them. It was usual to wear large stones, such as diamonds, rubies, or sapphires, alternating with pearls continuously. The pearls might be single, or in groups of two, three, four, or five, and the fashion of the settings varied. We see many such belts of jewels in the portraits of the age. But I have only noted, outside the Leven and Melville picture, one *carcan* of alternate diamonds (?) and couplets of pearls, set one above the other. That *carcan* is worn round the neck of Elizabeth of France, daughter of Henri IX. (otherwise she is styled Isabella de Valois), in the Greystoke portrait, and in a later miniature. The setting is not the same as



in Mary's *carcan*, worn across the breast in the Leven and Melville portrait. In other contemporary belts of jewels, in portraits, the pearls are single, or in groups of two, four or five.

Painting a prince or princess, a Court painter depicted the actual well-known jewels of the subject. They were not common things; the great diamond cross of Elizabeth of France, and of Elizabeth of Austria, was a treasure of the Crown, though smaller and less costly crosses existed. It is not possible that a painter should accidentally invent jewels known to the Courts of France and Scotland to have been Mary's. In the portraits of the great, minute accuracy in depicting their princely ornaments was the duty, and apparently the pleasure, of the painter. But critics, as a rule, do not seem to have thought of consulting the numerous extant Royal and noble inventories for descriptions of the actual jewels displayed in portraits of the sixteenth century.<sup>1</sup> An exception is M. Bapst, who, in his learned book on *The Crown Jewels of France*, frequently compares the descriptions in Inventories with the ornaments in portraits of their owners.

Now as to the jewels which Mary, against the advice, it is said, of her uncle, the Cardinal Guise, insisted on bringing to Scotland, in 1561, we have abundant information. In 1815 Thomas Thomson published, anonymously, *Inventories and Other Records of the Royal Wardrobe*. The original MSS. were then in the General Register House of Edinburgh, one, of 1556, was in the Duke of Hamilton's muniment room. In 1863, Joseph Robertson published *Les Inventaires de la Roynie d'Escosse*, a work of remarkable learning. He reprinted some of Thomson's papers, and others unknown to Thomson, one (of 1566) having then been but recently discovered in a mass of old legal documents. In the eighteenth century the MSS. lay, with masses of others unconsulted, and baffling even the tireless patience of the historian Wodrow, in a dark and damp cellar 'the laigh house' of the Parliament House of Edinburgh. They are never alluded to by Goodall, or Dr. Robertson,—our best historians of Mary's period during the eighteenth century, or by any historians before 1815, 1863.

It does not appear that Sir George Scharf consulted the Inventories, which were accessible to him in print. Queen Mary, in 1560-1567, had some fourteen *tours* or *bordures de touret*,

<sup>1</sup> See *Hohenzollern Jahrbuch*, Seidel, Berlin, 1902, pp. 84, 85, 90, for an attempt to identify the known jewels of Brandenburg in pictures by Lucas Cranach.



## PLATE XII.



BY FRANCIS CLOUET.

*The property of the Earl of Leven and Melville.*

See page 277.

j  
v  
i  
c  
s  
t  
  
h  
v  
l  
c  
f  
t  
c  
s  
c  
s  
t

## Portraits and Jewels of Mary Stuart 281

jewelled frameworks on which was expanded the prodigious winged object which then surrounded the fashionable neck. It is vain to argue that such articles did not 'come in' till a later date, on the evidence of other portraits. The inventory of 1561 shows that Mary then possessed two *tours*, or *tourets*, hung with some fifty large pearls. These could not be got into smaller space than they are in the *touret* of the Leven and the Melville portrait.<sup>1</sup>

That ornament, setting aside a jewel of gold, enamelled in black and red at the top of the head, is entirely decorated with pearls great and small. I reckon, at most, thirty-eight large pearls, *plus* four pendant above the brow; and the hair on the right side probably conceals others. In the records is frequent mention of *les entredeux*, which are the jewels that alternate in regular order with those which the scribe mentions first, and apparently thinks the more important. In this *tour* of the portrait, *les entredeux* are clusters of three round pearls apiece. It is a curious fact that on the *tour* there are ten or eleven great pearls with no *entredoux*: the places for *les entredeux* are empty, but we see the clamps for their attachment. Why should an artist paint the ornament in this oddly imperfect state, if he did not actually see it? The Inventories contain no record of a *tour* absolutely identical with the incomplete object in the portrait.

We cite, from the Inventory of 1561, the description of 'A thouret of pearls in which there are thirty-three pearls and nine pendants.'<sup>2</sup> In the Inventory of 1561-62, this *tour* seems to have been modified by the addition of *entredoux*, or alternating pearls: or at least they are now first mentioned. We read 'a *tour* of great pearls, of which there are thirty-three, and nine pendants of pear-shaped pearls, and thirty-three little pearls which make the *entredoux*.'<sup>3</sup> This is not the *tour* as seen in the portrait.

Finally, in May or June, 1566, the Queen had an Inventory of her jewels drawn up, and wrote opposite each piece, in her own hand, the name of the person to whom she wished to bequeath it, if neither she nor her expected child survived its birth. The entry now is 'A *tour* garnished with thirty-three great pearls, nine pendant pear-shaped pearls, and *thirty-four* pearls, making the *entredoux*.' This she bequeathes 'To the House of Guise.' None of these three varying descriptions

<sup>1</sup> For *touret* see Laborde, *Glossaire Française du Moyen Age*, p. 520, 1872.

<sup>2</sup> Robertson, *Inventaires*, p. 10.

<sup>3</sup> *Ibid.* p. 81.

corresponds with the *tour* in the picture. In place of either thirty-three or thirty-four 'pearls,' or 'small pearls' as *entredeux*, I reckon only about twenty-four *entredeux* of three pearls apiece, with from nine to eleven vacant spaces, empty of *entredeux*, but showing the clamps for attaching them.

Meanwhile Mary, in 1561, had another '*thouret de grosses perles auquel il y'en a xlix perles*.'<sup>1</sup> She possessed the same *tour* with forty-nine great pearls in 1561-62.<sup>2</sup> She still had this in 1566, when the Inventory records, *ung autre thouret garny de cinquante grosses perles*, while a note, through which a pen has been drawn, adds, *s'enfault une perle*—'one pearl missing.' Thus there were, in fact, forty-nine great pearls. If we add to the *tour* as shown in the portrait, seven or eight great pearls, concealed by the hair on the right side, we make a total of forty-nine or fifty. This would answer to the second *tour* of the Inventories, but no *entredeux* are mentioned in the description of that jewel. But *entredeux* are not mentioned in the first description (1561) of the other *tour*. Their presence was the rule in the jewellery of the period.<sup>3</sup> The absence of mention does not prove the absence of the *entredeux*. The argument is this: the *tour* mentioned first certainly does not correspond to that in the portrait. The second *tour* does correspond in number of great pearls, allowing for those hidden by the hair, but it has no mention of *entredeux* in the Inventories. But none are mentioned in the first *tour*, in the Inventory of 1561. That *tour*, however, has *entredeux* in the Inventory of 1561-62. Therefore they were either added, and the same addition might be made in the second *tour*; or, more probably, they were merely not mentioned in the note of the Inventory of 1561, and the same omission has occurred in the note on the second *tour*. The *tour* of the portrait is certainly incomplete, lacking from nine to eleven *entredeux*. We know from notes in French on the Inventories, that jewels, were often altered; portions of one being taken away and added to another: only pieces of some jewels remain in some entries.<sup>4</sup>

<sup>1</sup> Robertson, *Inventaires*, p. 10.

<sup>2</sup> *Ibid.* p. 81.

<sup>3</sup> See the 'Ermine' portrait of Queen Elizabeth at Hatfield. Her tiara has, alternately, a large pear-shaped, and two smaller round pearls, it does not surround the shoulders in the fashion of a *tour*.

<sup>4</sup> Robertson, *Inventaires*, pp. 11, 62, 81, 82, 97 (two cases of losses of pearls and coral beads from a belt), 98, 100, 114, 195, 201.

## Portraits and Jewels of Mary Stuart 283

In these circumstances perhaps it will be admitted that the *tour* of the portrait is fairly coincident with the second description of the *tour* in the Inventories, especially when we remember that it is in a curiously incomplete condition.

My opinion is that an artist would not paint a jewel in an incomplete condition, as is the *tour* in the portrait, unless he saw it in that state before his eyes. If he followed, about 1615-1620, the records in the Inventories, he would paint exactly what was there described. If the *tour* itself was found by James VI. among Elizabeth's jewels (she had bought some of Mary's pearls in April-May 1568), Elizabeth might have had incomplete alterations made, and the subtle archaeological painter might add the *tour*, as he saw it in this modified condition, to his artful picture of Mary in youth, and in her own jewels. In doing this he would decline from his conscientious purpose of representing the jewels as, on the evidence of the Inventories, they actually were in Mary's time. Unluckily, though Elizabeth certainly treated herself to Mary's pearls, to the tune of some £3000, she apparently did not buy the *bordure de tour* with which we are concerned. Nothing of the kind occurs in Elizabeth's MS. Inventories in the British Museum. She bought 'six ropes of pearls, strung like beads on a rosary, and also about twenty-five loose pearls, still larger and more beautiful than those which are strung.'<sup>1</sup> Her Inventories record a 'lace' of twenty-three great pearls. Mary had such a set, unmounted, of twenty-three, but gave two to her page.<sup>2</sup>

In the miniature of Mary, in the Royal Library at Windsor Castle (circ. 1558-60), she wears a rope of pearls round her neck; it descends in a double ply to her waist, and is knotted round her waist. This rope Elizabeth probably bought in 1568. It was most improbable that Elizabeth would purchase and preserve the *tour*—the mere rigging of the fashionable sail of silk. The pearls, if sold, would be taken off the framework, but I shall keep in mind the off-chance that Elizabeth bought the framework, when I later offer a little historical explanation of the Leven and Melville portrait.

Mr. Cust gives his impressions of the Leven and Melville portrait, and offers suggestions as to its nature in his letter to *The Athenaeum*, already cited. He writes: 'Recently I have

<sup>1</sup> Report of de la Forest to Catherine de Medici, Robertson, *Inventaires*, cxxviii, Note 3.

<sup>2</sup> Robertson, *Inventaires*, p. 11.

been corresponding with the reviewer of Mr. Foster's book in *The Athenaeum*, and the interesting details which he brought forward as to the jewels worn by the Queen impelled me to wish to see with my own eyes that which I had before taken upon Scharf's word. By the kind permission of the Earl of Leven and Melville I have been able to inspect the portrait in question, in company with a well-known expert critic of pictures. I found myself in complete agreement with Scharf's opinion as to the date of the picture, which cannot be contemporary, as Mr. Foster would suppose, or the work of Jehan de Court, or another painter of the French School, as your reviewer would wish it to be. The jewels do not exactly tally with the description given in the inventories, but they are sufficiently alike to make one suppose that the Leven and Melville portrait may be either a copy from an older portrait, or a later portrait, made up in the seventeenth century under the direction of some person who knew by personal association or by tradition the special jewels in which Mary Stuart arrayed herself in the heyday of her beauty and prosperity. The portrait itself is carefully painted and the work of an expert artist, and differs from the many fabrications which are too often to be met with. It is, moreover, an undoubted likeness of Mary Stuart, though its resemblance to the "Morton" portrait is not so striking as your reviewer would seem to make out. A photograph of the Leven and Melville portrait was included in the series published by the Science and Art Department after the exhibition in 1866. The portrait was only acquired in recent days by the ninth Earl of Leven and Melville.'

Mr. Cust, in this verdict, does not tell us what 'Scharf's opinion as to the date of the portrait' may have been, except that he held the work 'not contemporary.' He does not state his reasons for being certain that it 'cannot be the work of Jehan de Court, or another painter of the French School,' though so very little is known of Jehan de Court that any additional information would be welcome. As to the jewels 'not tallying *exactly* with the description given in the inventories,' I think that in the circumstances the agreement with the second *tour* is sufficiently close.

To take another example of the jewels and to return to the Leven and Melville portrait. Mary, in that work, wears across her breast a broad belt of large linked jewels. Counting from the



## Portraits and Jewels of Mary Stuart 285

spectator's left hand there are visible, first, a gold jewel set with two large pearls, one above the other : next, in the belt, a table *ruby* : then the pearls again : then a table *diamond* : then the pearls again : then a table *ruby*, and the pearls once more. This jewel is described, I think, very exactly (except that only part of it, in the portrait, is worn, attached to the dress) in an Inventory of 1556 : a list of the Royal jewels of Scotland, sent to Mary by the ex-Regent, the Duke of Chatelherault. The description is 'A *carcan* in which there are six rubies, one table of diamond, and eight couplets of pearls.'<sup>1</sup> Mary is wearing only part of the jewel, attached to her bodice, a practice still not unusual, but the description tallies *exactly*. I do not observe this *carcan* in the Inventories of 1560-66. It is not recorded there. It is vain to contend that a *carcan* is one thing, and a bodice ornament another thing. M. Bapst points out that the same jewel was used indifferently, either as a band in the hair, as a bodice ornament, or as a *carcan*, or necklace. (Bapst, *Joyaux*, p. 57.) But there appears in each of the three Inventories of 1560-66 a similar *carcan*, the only difference being that, in place of table *rubies*, table *diamonds* occur ; while there is a pendant, a jewel containing 'a great faceted point of diamond.'<sup>2</sup> Precisely such a faceted diamond, in the Leven and Melville portrait, is attached as a pendant to the centre of the belt of table rubies, double pearls, and one table diamond.

Is it more probable that Mary occasionally wore this *grosse poincte de diamant taillé à faces*, a large faceted diamond in an enamelled jewel, attached to the part of the *carcan* of table rubies and double pearls, with one table diamond ; or that a student about 1615-20 'combined his information,' and attached the pendant of 1560 to the *carcan* of 1556 ?

Still examining the Leven and Melville portrait, we observe that the waist of the dress is decorated with a *cotoire* consisting alternately of oval clusters of small pearls, and of small table rubies set in gold. This seems to be recorded, in the Inventory of 1561, and never again, as 'a *cottouere* garnished with little tables of ruby and with pearls.' It was worn with a belt (*cincture*) of the same, but the portrait does not show the *cincture* : it stops just above the belt.<sup>3</sup> Mary had probably given away both

<sup>1</sup> Robertson, *Inventaires*, p. 5.

<sup>2</sup> *Ibid.* p. 94.

<sup>3</sup> Robertson, *Inventaires*, p. 197. *Cottouere*, *Cotoire* is defined in Laborde's *Glossaire*, as *lacet, cordonnet, ornement de cou dispose en cordon*. But Laborde gives examples of '*piece cottouere de soye*,' and *deux aulnes et demie de cotoere tannée et*



*cincture* and *cottouere* before leaving France : they do not appear in her Scottish Inventories.

Again, pendent from the faceted diamond already described is a very large oval ruby, cut cabochon, with a huge pendent pearl. I by no means suggest that this is 'a large ruby balais, à jour . . . called the Naples Egg, to which hangs a pear-shaped pearl. Estimated at seventy thousand crowns.' Mary restored this gaud, a Crown jewel of France, to the commissioners of Charles IX. (February 26, 1560-61).<sup>1</sup> In any case (and I lay no stress on the large ruby with a pearl pendent), the *cottouere* and the ruby, pearl, and single diamond *carcan*, suggest that the Leven and Melville portrait (or, if it be a copy, its original) was painted when Mary possessed these jewels, that is, before she left for Scotland in August, 1561. My argument is cumulative. The *carcan*, used as a breast ornament, is certainly identified, I think. The *tour* is identified with high probability. The *cotoire* contains the arrangement of table rubies and pearls which Mary possessed. These coincidences with the Inventories cannot be accidental.

M. Dimier, on the other hand, informs me that the costume of the Leven and Melville portrait cannot by any means be earlier than 1572-1574. On this point I am no authority, while M. Dimier is master of the subject. The dress is one with which I am unfamiliar.<sup>2</sup> The costume is undeniably one donned for some great courtly occasion : it is not a dress for the daytime, nor an ordinary evening dress, but rather resembles that of Elizabeth of France in the Greystoke portrait. Judging from the age of Elizabeth, as shown in that portrait, namely about fourteen or fifteen, the work should be of about 1559. The dressing of the hair puffed out in fuzzy fashion from the sides of the head, is first found by M. Dimier, in other portraits, about 1572-1574. For all that I know, the dressing of the hair may have been one of the fancies of Mary Seton. Since

*bleue pour attachez les patenostres.* There is also a great scented *cotoire* of musk, covered with gold, to wear on the neck. (1592.) M. Bapst explains what a *cotoire* really was. Originally it was a piece of embroidery applied to a dress. Under Catherine de Medici a *garniture* of precious stones took the place of the embroidery in ladies' best frocks, while the embroidery was used in their less sumptuous costumes (Bapst, p. 14).

<sup>1</sup> Robertson, *Inventaires*, p. 197.

<sup>2</sup> The ruff worn by Mary in the Leven and Melville portrait, is the ruff of the Duke of Portland's miniature of 1558-1560. The hair in that miniature is puffed out.

## Portraits and Jewels of Mary Stuart 287

1561 at least, Mary wore perrukes, in that year her steward, Servais de Condé, notes that he gave out linen to cover the Queen's perruke box.<sup>1</sup> In 1568 Sir Francis Knollys, guarding Mary at Carlisle, writes that Mary Seton is 'the finest busker of a woman's hair to be seen in any country. . . . Every other day she hath a new device of head-dressing that setteth forth a woman gaily well.'

A lady who wore her hair, or wig, differently, every other day, cannot be bound down to any particular *coiffure*.

Moreover, from what conceivable motive should an artist, in or after 1572-1574, paint, as a girlish Queen (that she is girlish I have no doubt), in costume of 1572, a lady who at that moment was a mourning black-clad captive of from thirty to thirty-two? Why, while representing jewels which the Queen had long lost, should he attire her hair as in 1572-1574? I ask for a working hypothesis as to what was the sense of the performance?

If Mr. Cust is right in asserting—with confidence, but without giving his reasons—that the Leven and Melville portrait cannot be contemporary or of the French School, then, while waiting to learn the grounds of his opinion, I take the liberty to think it a good copy of a contemporary work. There is a fascination in the face, an enchantment, that seems equally unusual in a portrait of the French School of about 1560, and in any copy of any picture that ever was done by any copyist. There is, as we have already stated, at Greystoke what Mr. Cust calls 'an interesting painting belonging to the Howard family in which the princess in a red dress resembles Isabella of Valois' (a sister of Mary's husband, the Dauphin, later Francis II.) 'rather than Mary Stuart.'<sup>2</sup> The dress is crimson, studded with pearls, as in the Leven and Melville portrait, and round her neck the princess wears a *carcan* of which the double pearls, if not the alternating jewels (these are table stones of unascertained species), answer, save in setting, to the double pearls of the Leven and Melville *carcan*.

There is a reduced photogravure of this portrait in Mr. Foster's book (p. xv.). In style of jewelry (the princess wears a table ruby with pearl pendant, and a cross of five table diamonds with pendant pearls, such as Queen Mary actually obtained in 1561) the Greystoke portrait is exactly contemporary with the Leven and Melville. As to manner and style, the photographs exhibit no difference, whatever the originals may show. 'The

<sup>1</sup> Robertson, *Inventaires*.

<sup>2</sup> Cust, p. 174.

work is of the school of Janet,' says Mr. Foster (p. 26), and it is attributed, without any documentary evidence adduced, to Jehan de Court, Mary's painter.

Will any one call the Greystoke portrait an early seventeenth century copy of a sixteenth century picture, or a 'compilation' of the seventeenth century?

Of the Leven and Melville portrait, as regards style, Mr. Foster writes: 'the *technique* of the work is first-rate,' and he 'thinks that it cannot fail to be admired, whether it be contemporary or not.' He ventures the conjecture that 'it may have been painted in Scotland.' On questions of date as determined by style and technique, in the matter of portraits of the late or middle sixteenth and early seventeenth centuries, I might have an opinion, indeed, but I would never venture to produce it where experts differ. To me, for example, the Morton portrait of the Regent Morton (which nobody impeaches), seems a work more free, larger, and more recent in manner than the Morton portrait of Queen Mary. Yet the Morton portrait of the Regent is not supposed to be other than contemporary with that unamiable statesman, whom Mary outlived by six years.

This very disputable question of the determination of date by internal evidence of style I leave to experts, especially as my bias is to believe the Leven and Melville portrait to be contemporary, or a good copy of a contemporary likeness, or a painting from a contemporary drawing in crayons. Mr. Cust remarks, as we have seen, that 'the portrait itself is carefully painted, and the work of an expert artist, and differs from the many fabrications which are too often to be met with. It is, moreover, an undoubted likeness of Mary Stuart,' though Mr. Cust does not find the resemblance to the Morton portrait so striking as I do. But I am making allowance for some fourteen years of Inferno upon earth! Such was Mary's life from the autumn of 1565 to 1578. To myself the likeness appears to be executed

'As when a painter, poring on a face,  
Divinely through all hindrance finds the man,'

or rather the woman.

However, if it be but a copy, 'the work of an expert artist,' and 'an undoubted likeness of Mary Stuart,' then, at last, we know what the Queen was like in her youth and her witchery. I ask for no more! I understand Mary Stuart.

## Portraits and Jewels of Mary Stuart 289

But take Mr. Cust's alternative hypothesis: 'A later portrait, made up in the seventeenth century under the direction of some person who knew by personal association or by tradition the special jewels in which Mary Stuart arrayed herself in the heyday of her beauty and prosperity.'

Tradition, I fear, could not convey to an artist, though other portraits might, the precise nature of the costume owned by Mary about 1560, 1566. But suppose that some person knew the jewels by actual association with the Queen. Will that theory march? Who, in the seventeenth century, knew the things worn by Mary some fifty years earlier?

After Mary's fall in June 1567, her jewels were scattered to all the winds. In April-May 1568, Elizabeth, as we saw, bought from the Regent Moray (to whom, as her brother, Mary had entrusted her precious things for safe-keeping) the best pearls, ropes of pearls, and about twenty-five loose ones. Many things were pawned or sold by Kirkcaldy during the siege of Edinburgh Castle (1571-73), others remained in the Castle, and Morton scraped together what he could for James VI.<sup>1</sup> Wrecks remained in Mary's possession to the last, but some were stolen in her captivity in 1576.<sup>2</sup> In none of the lists drawn up after 1566 do I find any of the jewels which decorate Mary in the Leven and Melville portrait. By 1615 few people, perhaps only Mary Seton, in very old age abroad, or Bothwell's widow, the aged Countess of Sutherland, who had wedded 'her old true love,' Ogilvy of Boyne, would remember the jewels of the Queen's youth (1556-67). That any artist or archaeologist of about 1615-20 consulted a very old lady in the north, I think to the last degree improbable. I doubt if about 1615, or later, it was in the human nature of the period to 'make up a fairly accurate likeness' of the Queen *in her youth*, from such materials as are known to have then existed in England, say from the miniature in the Royal collection at Windsor Castle. As to any painter's restoring, about 1615, the jewelry from the MS. Inventories, or from the memories of persons aged at least seventy, the proceeding is incompatible with the mental processes of the period. Indeed nobody was likely to think of doing such a feat before 1850.

<sup>1</sup> Robertson, cl. cli. Thomson, pp. 203-273.

<sup>2</sup> Catalogue of Library of Mr. Scott of Halkhill, p. 157, No. 1463 (1905). Letters of Cecil, Shrewsbury, and Walsingham, May 1576. Labanoff, vii. pp. 231, 274.

I will, however, state the case in the most favourable light. James VI. and I revisited Scotland in 1617. It is barely conceivable that he desired to have a picture of 'our dearest mother, bonny and young, and in a' her braws'; that he caused her Inventories to be hunted out, at Hamilton, and in the State Papers; that he had found among Elizabeth's jewels a *tour* of his mother's (not inventoried), modified to the taste of Elizabeth,<sup>1</sup> (though I have stated the objections to that theory), but incomplete; that he placed all these materials, with the Windsor miniature, before an artist, and that the artist out of these materials compiled the Leven and Melville portrait; which, however, is not certainly mentioned among the possessions of Charles I. Let it be added that James consulted the Countess of Sutherland, who, in youth (1566), had married Bothwell. All this is not impossible, but James was not sentimental, and, for obvious reasons, was not fond of raking in the ashes of his mother's past. It will be conceded, I think, that if the Leven and Melville portrait is not an original probably painted in France about 1560, it is a very good copy of such an original, and not an archaeological reconstruction of the seventeenth century.

A word ought to be said about the jewels in the Greystoke portrait. The *carcan* of alternate double pearls, one above the other, in a gold setting, and of dark table cut stones, of an undetermined species, may be the *carcan* of table diamonds alternating with double pearls, which reappears in a miniature said to represent Isabella de Valois, daughter of Henri II., and wife of Philip II. of Spain.<sup>2</sup> The great cross of five large table diamonds, (?) with a pendant pearl at each limb, and at the foot, reminds us of that cross, valued at 50,000 crowns, which was part of the Crown jewels of France, and was restored by Mary to Charles IX. on February 26th, 1561. But that jewel also contained four other diamonds, three of which formed the foot, and, as far as described, had but one pendant pearl. The cross in the Greystoke portrait has three pearls, and, in place of three small faceted diamonds at the base, has a triangle of diamonds. On this cross, with its alterations, see M. Bapst's book on French Crown jewels; he reconstructs

<sup>1</sup> In British Museum, MSS. App. 68. Book of Jewels in the custody of Miss Mary Radcliffe, gentlewoman of the Privy Chamber in July 1587.

<sup>2</sup> Burlington Fine Arts Club (1559). Exhibition of 1885, plate xxxi. p. 21.



## Portraits and Jewels of Mary Stuart 291

it from various sources, including a portrait of Elizabeth, wife of Charles IX. In the Greystoke portrait Elizabeth wears in her hair a belt of stones alternating with jewels of four large pearls. This belt she also wears in her miniature, in the *Book of Hours of Catherine de Medicis*.

### IX

Monsieur Henri Bouchot recognises as authentic portraits of Mary no more than four. These are the drawing of Mary in her tenth year, in 1552, the drawing of about 1558, by 'the presumed Jehan de Court,' the drawing in white mourning (1561) by François Clouet (Janet II.), and the Windsor miniature. On the others, he says, we need not dwell.<sup>1</sup>

We have ventured to exceed these narrow limits, while admitting that perhaps no other portrait of Mary, except the Florence, Amsterdam, and Welbeck miniatures, with possibly one or two late miniatures, has been actually done direct from the life, or by the artist from his own sketch in crayons. The precise relation of the Leven and Melville portrait to work done direct from the life we can only guess at, and the same remark applies to the Morton portrait, and the portraits of the Sheffield type. But all of these have some relationship to the life: if not the rose, they have been near the rose.

So much cannot be said for the popular portraits of Mary Stuart that decorate the walls of many a country house, appear in most of the books about the Queen, and are solemnly shown at Loan Exhibitions as portraits of the Clytemnestra of the north. At the Glasgow Exhibition of 1901, out of numbers 972-980, the numbers 972, 977, 980 were variants of what Mr. Foster calls 'the Ailsa type,' from the work in the possession of the Marquis of Ailsa. There are uncounted examples of this type which was multiplied by John Medina (*ob.* 1796), the grandson of the more famous Sir John Medina. A very personable girl appears in 'a close fitting long waisted dress of crimson with gold embroidery, large ungraceful puffs or balloons over the shoulders, the hair enclosed in a little crimson and gold cap set with jewels, and to a string of large pearls round her neck is appended a jewelled cross.' None of the jewels is to be identified

<sup>1</sup> *Quelques Dames*, p. 23.

in the Inventories, and Mr. Way, whose description we have quoted, says that the portrait 'attributed to Zuccherò' 'presents no appearance of being contemporary with the time of Mary.' The Glasgow catalogue says that the Marquis of Ailsa's example 'has been preserved, it is believed, ever since 1558 as an heirloom at Culzean Castle.' I understand that the Marquis also possesses a pearl necklace, with a cross, as in the portrait, supposed to be a gift from Mary and an important item of evidence. The portrait is on canvas. I can come to no certain opinion of the work, which I have not had the opportunity of seeing. Miss Leslie Melville's copy, bought in 1819, at the sale of Kinross House, 'is stated to be the work of Peter Pourbus,' not of Zuccherò. Zuccherò, or Zuccaro, was not in England before 1574. No evidence is produced to prove that he was painting in Paris in 1558. Sir Robert Menzies' copy candidly bears, on the back of the canvas, 'Jo. Medina pinxit, 1767.'

This thoroughly popular portrait is manifestly affiliated to the 'Carleton portrait,' a full length of a tall lady of the sixteenth century, who stands with a window behind her, while her right hand rests on the arm of a chair. A jewelled cap crowns her brown hair, her eyes are brown, her dress is crimson. I have seen a good specimen described as 'Elizabeth of York, wife of Henry VII.,' in the window of a picture dealer's shop in London. I advised the tradesman to rechristen it 'Mary Stuart, Queen of Scots.' Vertue, the engraver (1713), 'put but a doubtful trust' in this portrait, which he engraved as the frontispiece of Jebb's 'De Vita et Rebus Gestis Mariae Scotorum Reginae' (1725). The engraving (only a half length) is the source of a common country house portrait of Mary. Often the figure holds two White Roses, as if her Majesty had anticipated the birth of the White Rose Prince of Wales (James VIII. and III.), on June 10, 1688. The Jacobitism of the years after the Forty-Five gave a vogue to these copies in oil of Vertue's engraving. On the back of the chair he inserted the Scottish thistle head, which was not in the original painting of a lady unidentified,<sup>1</sup> 'the Carleton portrait.'

The 'Orkney' type of false portrait turns up, variously disguised, in many miniatures, pictures, and engravings, at home and abroad. The amateur who fancies a Mary with 'a round fat

<sup>1</sup> For details see Cust, pp. 133-136.





HAMILTON TYPE. 1700-1710.

*Copy of a miniature given by the Chevalier de St. George (James III.) to his secretary, James Edgar.  
Original in possession of Lady Edgar, Toronto.*

See page 293.

fa  
ey  
C  
'a  
V  
r  
re  
he  
of  
ba  
w  
E  
a  
(  
re  
A  
o  
w  
A  
p  
o  
co  
o  
th  
la  
h  
th  
b  
I  
w  
I  
w  
c  
th  
b

P

## Portraits and Jewels of Mary Stuart 293

face, thick lips, double chin, a strongly *retroussé* nose, large staring eyes, well marked eyebrows, and flat smooth hair,' to quote Mr. Cust's description, should select a copy of the Orkney type. For 'all persons pining after it,' thousands of copies were taken says Vertue. The original was a miniature which, apparently before 1710, a Duke of Hamilton 'recovered.' He had it 'amended or repaired by L. Crosse, who was ordered to make it as beautiful as he could by the Duke.'<sup>1</sup> There is a copy of this unlucky work of art at Windsor, by Bernard Lens. He has written on the back 'By leave of his Grace the Duke of Hambleton (*sic*) in whose hands the original is, taken out of her strong box after she was beheaded.'<sup>2</sup> The Duke who acted so foolishly was Beatrix Esmond's Duke of Hamilton, he who met Colonel Hooke in a dark room, so as to be able to swear that he never *saw* him (1707). I get at this very fickle politician through Vertue's remark, 'his attestation of its being genuine—latter part of Queen Anne's time—it took and prest upon the public in such an extraordinary manner.' The Duke, as all readers of *Esmond* know, was killed by Lord Mohun in a duel, 'latter part of Queen Anne's time.' The present Duke possesses a silver casket, probably one of the two silver caskets of Mary's which Hepburn of Bowton saw at Dunbar in April-May, 1567.<sup>3</sup> The other contained the signed 'band' for Darnley's murder. This casket of the Duke's, then bearing Mary Stuart's arms, was bought by the Marchioness of Douglas, 'from a papist,' after 1632. The lady collected relics of Queen Mary. Her eldest son married the heiress of the House of Hamilton, this lady was the mother of the Duke who had the miniature 'made as beautiful as he could' by L. Crosse, and the chances are that the Marchioness of Douglas who bought the silver casket also collected the miniature which the foolish Duke, her grandson, caused to be altered by L. Crosse.

Crowds of copies of this 'foolish fat-faced' altered miniature were made by the younger Bernard Lens, in the eighteenth century: a mezzotint was also done, and was copied in oils, and this is one of the most popular false portraits. An example of this miniature, inscribed *Maria Scotiae Regina* above the head, belongs to Lady Edgar, Toronto, Canada. With miniatures of

<sup>1</sup> Vertue, MS. Add. British Museum, 23073, f. 15, 25. Quoted by Mr. Cust, pp. 137, 138.

<sup>2</sup> Williamson, p. 43.

<sup>3</sup> See his Confession: *Mystery of Mary Stuart*, p. xvi. 1901.

James III. and VIII., and Prince Charles, it has descended to Lady Edgar from her husband's ancestor, Mr. James Edgar, the honest, learned, and loyal secretary of the exiled Kings, from 1740 to 1766. Lady Edgar's example varies in essential respects from the Lens copies of the Hamilton miniature, as she informs me. I have not seen it, and it may be authentic; it was probably accepted by Mary's latest descendants in the male line.

Another common type is called by the Gräfinn Eufemia Ballestrem<sup>1</sup> 'Das Ham House Portrait.' It is a miniature signed by 'Catherine da Costa,' and the Queen gave it to Mary Fleming, who married Maitland of Lethington. Madame von Ballestrem photographs a copy in the Museum at Cassel, a copy by the hand of an English princess. The Queen has 'eyes as large as billiard balls' and wears a pearled coif, an ear-ring of three pear-shaped pearls, a necklet of large round pearls, pearls alternating with rubies are on the collar of her dress, which is trimmed with white fur; a large closed crown stands beside her.

The extreme pinnacle of Marian myth is attained in the 'traditions' about this miniature of Mary at Ham House. As Dr. Williamson says, its source is either the Hamilton miniature, beautified and made ridiculous for ever by Laurence Crosse, about 1707-1710, or is a mezzotint done after that grotesque effigy. Thus the Ham House miniature cannot be earlier than the beginning of the eighteenth century. It is signed 'Catherine da Costa,' and is inscribed, says Dr. Williamson, 'Maria Regina Scotland,'—probably by Catherine da Costa who knew rather less Latin than even Pierre Oudry.

Who was Catherine? She has hitherto been claimed as a seventeenth century painter, whose only known work is a copy of an eighteenth century miniature! Dr. Williamson writes: 'There is another tradition as to Catherine da Costa which must be mentioned here.' 'It is stated that amongst the attendants who came over with the Queen' (1561) 'from France there was a young catholic girl bearing this name, and that she was the author of the picture in question.' If Catherine was born in 1540, she painted the miniature in old age, for she certainly did not copy Crosse's folly before, say, 1707, when she was one hundred and sixty seven years of age. Worse remains; 'Catherine is said to have painted'

<sup>1</sup> *Maria Stuart*, p. 47. Hamburg, 1889.

the beautiful Welbeck miniature of Mary, with the motto *Virtutis Amore*, of which we have already written. If Catherine executed that masterpiece, say in 1560, her style had greatly altered when she copied L. Crosse's foolish, fat-faced princess, in the eighteenth century.

Dr. Williamson thinks Catherine's piece 'more than a century later' than the Welbeck relic. As he holds that Catherine was probably, or possibly, a daughter of Emanuel Mendes da Costa, who was writing books between 1757 and 1778, Catherine's one known work must be two centuries later than the Welbeck miniature of about 1560.

The Ham House Inventory alleges, according to Dr. Williamson, that the Duke of Lauderdale of the Restoration 'inherited' an object which in his day did not exist, the Ham House miniature, 'from his ancestor, Sir William Maitland, Lord of *Lethingen*.' Under this title we scarcely recognise William Maitland, younger of Lethington, (not 'Lethingen'), who was *not* an ancestor of the Duke of Lauderdale, but a remote collateral. 'This statement, if accurate, must either refer to another miniature altogether, or else Catherine da Costa must have followed the example of Lawrence Crosse, and amended the original portrait to correspond with the likeness accepted in her time,' that is with Crosse's foolish, fat-faced lady. If the real Catherine da Costa was painting about 1780, all this mass of myth has grown up around her and her little piece of copyist's work with remarkable speed and luxuriance.<sup>1</sup>

The makers of family myth never ask whether there is any trace of a Catherine da Costa in any of the Household Lists of Mary Stuart. Certainly none is known to me, and, if a Catherine da Costa did come to Scotland in 1561, she could hardly be copying miniatures in 1707-1730. Dr. Williamson, of course, is not responsible for the legends which he collects, the folklore of historical portraiture. Fables of this kind probably have their germs in guesses. The Lauderdale family were of the Lethington family, Maitland of Lethington was Secretary of State under Mary; a late miniature of Mary, an eighteenth century concoction, exists in a Lauderdale house, and somebody combines his information and guesses that the picture came from Mary to her Secretary or his wife, and so descended,

<sup>1</sup> Dr. Williamson in *Ham House*, by Mrs. Charles Roundell, pp. 144, 145. Bell & Sons, 1904.

as many of Lethington's political papers did descend, to the Ducal branch of the house. Then the guess, contradicted as it is by the modern character of the miniature, becomes a legend, and being a legend, is immortal.

In many versions of the mythical Mary after L. Crosse's concoction, a bonnet and plume are sometimes substituted for the coif, and the thing appears as Mary in book illustrations of the early nineteenth century. Beautifications, prettified at third hand, of the Morton portrait, in miniature, are also common, dating from about 1820, and have often been engraved. A comic example of false portraiture is given by Mr. Foster.<sup>1</sup> He writes that a picture 'said to have been brought *from the King's closet* at Versailles by Beau Lauder of Carrolside, a well-known Jacobite of his day,' (a Jacobite unknown to me), was exhibited in Edinburgh in 1856. It had the collar of white fur, and a crown on the left, pearls in the hair, and 'took after' Mary Fleming's Ham House miniature by Catherina da Costa. 'Mr. James Drummond, formerly Curator of the Royal Scottish Academy, also exhibited a portrait *from the King's closet*.'

'This, all this was in the golden year' 1856. In 1875 Mr. Drummond knew better.<sup>2</sup> He read a paper on Scottish Historical Portraits to the Antiquaries, attributing most of the Knoxes and Marys to the Medina who died in 1796. 'This school of manufactory was continued into the nineteenth century.' Mr. David Roberts, R.A., told Mr. Drummond, that as a boy he was acquainted with one Robertson, 'who lived by doing portraits of Queen Mary, Prince Charles *and such like*.' Mary he painted now in red, now in black, now with a veil, anon holding a crucifix. 'And, if required, a crown was introduced somewhere or other, a favourite inscription on the back being *From the original in the King of France's closet*.' Now the closet is open, and we view the skeleton, *feu* Robertson! He did 'a little judicious smoking and varnishing' when an 'original' was demanded.

We have described the most popular types of Marys who never were Mary, but will remain Mary till the end of time, in family tradition, and in the shops of dealers in engravings, and in the illustrations of popular books. The Ailsa type is

<sup>1</sup> Foster, p. 21.

<sup>2</sup> *Proceedings, Scottish Society of Antiquaries*, vol. xi. 1870, pp. 251, 252.



now attributed to Pourbus, and now to Zuccaro, as taste and fancy direct, while I have seen it set down to Clouet! The charming Fraser-Tytler portrait of a lady unknown, now in the National Portrait Gallery, has never got into proper circulation, nor has the Duke of Devonshire's dainty coquette (published in Major Hume's *Love Affairs of Mary Stuart*), nor the Tudor princess (?) in Darnley's room at Holyrood. It is a common trick to fake any portrait of a lady of the sixteenth century into a Mary Stuart. Tricks, of course, are endless, and now that attention has been drawn to the genuine jewels of Mary, new portraits, wearing specimens of these, may appeal to the rich and the inconsiderate.

There exists, in the possession of Mr. Fraser Tytler, a little enamelled jewel representing a boy cheyving a mouse, and this is said to have been given to Mary by Francis II. when Dauphin. The illustrated catalogue of the Stuart Exhibition of 1889 says: 'There is a portrait of the Queen in the possession of Lord Buchan in which she is represented wearing it.' Unluckily, Mr. Cust makes no reference to this very interesting portrait, authenticated as it is by a jewel about which there can be no mistake, that is, if its connection with Mary is satisfactorily demonstrated. The illustrated catalogue, in describing the very few jewels exhibited as relics of Mary, does not, as a rule, advance any proof that they ever were in the jewel house of the Queen. Their claims repose on such phrases as 'it is traditionally reported' that this was the case. There are, probably, several portraits in existence which descend from actual but lost likenesses of Mary. Brantome mentions her costume à l'*Espagnolle*; and this, writes Mr. Cust, 'would be a close-fitting dress, with fur round the neck and fur trimmings to the puffed sleeves at the shoulders. . . . There are portraits purporting to represent Mary which show a similar costume, and which may possibly be traced back to some lost original, from which they have drifted far astray in process of translation.'<sup>1</sup> Such an one is the Hamilton miniature as beautified by L. Crosse. Mr. Newton-Robinson also possesses an old portrait of a lady, on a small panel, which might be looked on as Mary, if we judged merely by a description. The subject has a lofty brow; thin eyebrows, wide apart; red brown eyes, the white of the eye touched with

<sup>1</sup> Cust, p. 50.

blue; a very long, low, straight nose, yellowish brown hair; mouth and chin as in the miniature in the Royal collection at Windsor. She wears a cap studded with diamonds; attached to this are lappets apparently of wool in a gold edged reticulated covering, fastened beneath the chin. The dress has a collar of light grey fur, the same fur trims the sleeves at the shoulders. The expression is hungry, the complexion is sallow. The panel is inscribed in very distinct raised letters, ANO. DNI. 1562. In letters much darker, and more obliterated we read ANO. AET. 22. In 1562 Mary would be twenty, not twenty-two, but 1540 is given as the date of her birth in Haydn's *Dictionary of Dates*. Thus the ANO. DNI. 1562 may be an ingenious but erroneous modern addition, derived from Haydn. It is an unlovely effigy, but may be related to some portrait of the Queen dressed à l'*Espagnolle*, and is certainly, I think, of the sixteenth century.

I have also been allowed to see a curious portrait of Mary on old panel. She wears a very tall tiara of pearls, table rubies, and flowers in enamel. The hair is well painted, and of the right colour, reddish brown or auburn. The face is beautified in the taste of the eighteenth century; the eyes are blue grey; the nose long and straight, 'a Grecian nose'; the little full mouth has the arch of Cupid's bow; the eyebrows are arched and well marked, the whole effect is not unlike that of the portrait of the beautiful Duchess of Argyle (Miss Gunning), the cheeks being rosy, rounded, and prosperous. The striking peculiarity is the costume. The dress is dark green, richly studded with round pearls, and across the breast, as in the Leven and Melville portrait, the Queen wears a broad belt of jewels. These consist of alternate double pearls, one pearl above the other, and of large table diamonds, as in the *carcan* which, in 1566, Mary bequeathed to the House of Guise. From the *carcan* depends a great ruby, with pearl pendant. How are we to account for the correctness of tiara and *carcan*? The tiara I do not find in the Inventories, but it is entirely in the style of 1560-1570. Have we here a beautified copy, in eighteenth century taste, of a genuine portrait of Mary, or, as in the Bodleian picture, has a portrait been painted over an older portrait on the old panel, retaining the correct jewelry and costume? Possibly the face only has been repainted, while the tiara, the hair, and the dress and jewels have been left much as they were.

## Portraits and Jewels of Mary Stuart 299

This piece has been explained as a seventeenth century 'gallery portrait' of Elizabeth of France, Queen of Philip II. But it does not resemble her in a single particular: Elizabeth had black hair and black eyes, if we may trust Brantome who knew her; and a turned-up nose, if we may believe most of her portraits.

Reviewing our results, and setting aside coins, posthumous memorial pictures, and the interesting effigy on the Queen's tomb, we find that the following portraits have complete proof of being contemporary and authentic, or at least are related closely to others which did possess these qualities:

1. The Chantilly drawing of 1552.
2. The Bridal medal (1558).
3. The drawing of about 1558-1559, by 'the presumed Jehan de Court.' The Douce portrait in the Jones' collection, South Kensington.
4. The Florentine, Rijks Museum, Medicean *Book of Hours*, and Welbeck miniatures. The Breslau wax medallion.
5. The miniature in the Royal collection at Windsor.
6. The Leven and Melville portrait, derived, at least, from some work of 1558-1560.
7. In first widowhood (1561), Janet's drawing of the *Dueil Blanc*.
8. As derivatives, Mrs. Anstruther-Duncan's, Lord Leven's, and the Powis miniatures, claiming to date from 1572.
9. The Sheffield type of portrait, dating from 1578.
10. The Lesley medallion, published in 1578.
11. The Morton portrait.
12. The Hilliard miniature of 1579 (?).
13. Lady Orde's, the Rijks Museum, and Florentine later miniatures of *circa* 1584.

All of these present the self-same face at various periods extending over thirty-four years of a life predestined to unhappy fortunes. I must add a line on the Freshfield portrait.

This interesting portrait on panel was exhibited by Messrs. Shepherd, King Street, St. James's, in summer, 1905. It was bought by Messrs. Shepherd from the representatives of a gentleman, deceased, who, it seems, was a descendant in the female line of Mr. Andrew, or Andrewes, Sheriff of Northamptonshire, who, in his official duty, was present at Mary's taking off at Fotheringay.<sup>1</sup> The family legend that it was presented by Mary

<sup>1</sup> Ashmole MS. 830 l. 18, Bodleian. Cf. Mrs. Maxwell Scott's *Tragedy of Fotheringay*, p. 265.

300 Portraits and Jewels of Mary Stuart

to the Sheriff may be discounted, but there is no reason why Mr. Andrewes should not have procured the piece from one of her attendants, and the Queen certainly possessed her own portrait, as appears from her latest inventories in Labanoff. The face is one of more than mournful beauty, wasted and tormented but still fair. The russet hair, the high brow, the nose and the chin are all in accordance with her authentic likenesses. The carnations are soft and warm; not improbably she used rouge. The eyebrows, as in the Morton portrait, are too dark and thick, though here, too, she may have 'corrected natural beauty.' The eyes are larger and rounder than they were, but are right in colour, and the mouth appears to have been retouched. The ruff is not known to me earlier than the close of 1578, when it was generally worn by persons of fashion, and probably the piece represents the Queen as she was in 1579, before the later broadening and flattening of her face. She is dressed in black, and no jewels or religious emblems are visible.

This portrait, a quarter length, is certainly among the most pleasing extant, and, despite the faults noted, is convincing in the expression. In 1579 Mary would wish to have a portrait to send to her son, whom her secretary, Nau, then attempted to visit, as has been said. Beyond these facts we cannot go with safety. The work, purchased by Mr. Douglas, Freshfield, has been well photographed by the Autotype Company, and figures as the frontispiece of Mrs. MacCunn's *Mary Stuart* (Methuen & Co., 1905).<sup>1</sup>

ANDREW LANG.

<sup>1</sup> I find that, in quoting Mr. Lionel Cust, I have never given the full title of his book, which in part is based on notes left by Sir George Scharf. The title is 'Notes on the Authentic Portraits of Mary Stuart.'

## James I. of Scotland and the University of St. Andrews

ALTHOUGH the main facts regarding the foundation of the University of St. Andrews have long been generally known, a good deal still remains to be discovered as to its actual origin and early history. The story of its beginning was first told by a contemporary writer,<sup>1</sup> whose brief and simple narrative was long afterwards transformed into one of the most picturesque and oft-quoted passages to be met with in Scottish history.<sup>2</sup> This well-known account of the University's inauguration is quite satisfactory, so far as it goes, and its terse and graphic language could scarcely be improved upon. But it fails to answer many of the questions that arise in the mind of a serious inquirer into the genesis of so venerable and illustrious an institution. One would like to know, for example, what special circumstance, or set of circumstances, led to its foundation at that particular time;<sup>3</sup> who started the idea of founding it; who took the first step towards its realisation; what body or bodies of men deliberated upon its constitution and organisation; and what precisely were the stages through which the negotiations passed that culminated in its erection and confirmation. To such questions

<sup>1</sup> Walter Bower, Abbot of Inchcolm, in his continuation of Fordun's *Scotichronicon*, lib. xv. cap. xxii.: 'De fundatione universitatis Sancti Andreae.'

<sup>2</sup> Tytler, *History of Scotland*, 1864 ed. vol. ii. p. 43.

<sup>3</sup> In the absence of definite information, the conjecture may be hazarded that the immediate cause of the opening of a University at St. Andrews in 1410 was the action of the Council, or Synod, of Pisa in deposing Popes Gregory XII. and Benedict XIII., and electing Alexander V., in 1409. As Scotland continued to adhere to Benedict, Scottish students became schismatics in practically every University they had been accustomed to frequent. Their position was thenceforth to be as uncomfortable in France and elsewhere as it had previously been in England. Hence the urgent need for a University at once easily accessible and located within the obedience of the Pope to whom Scotsmen remained steadfast.



as these written history gives no definite answer. To the facts recorded by Bower, writers like Boece, Buchanan, and Spottiswoode add practically nothing. For further insight one must have recourse to contemporary documents, but, unluckily, these are not so numerous as they might have been, and probably once were.

So far as is known only one original contemporary document connected with the founding of the University is still in existence. It is one of the six papal bulls granted by Peter de Luna, as Pope Benedict XIII., on 28th August, 1413. The five other bulls granted by him on the same date exist in chartulary copies only.<sup>1</sup> The charter granted by Bishop Wardlaw on 28th February, 1411-12, has not been preserved, but it is quoted *in extenso* in the bull just mentioned, and there are chartulary copies of it also. The records of the Faculty of Arts commence in 1413, immediately after the receipt of the papal confirmation (*ab initio studii Sancti Andree fundati et privilegiati per Benedictum papam*), but they make no allusion to events of earlier date. This may possibly have been done in the *Acta Rectorum*, the earliest volume of which, however, is lost.

Bower states quite explicitly that the 'general study of the University in the city of St. Andrew of Kylrymonth in Scotland began in 1410, after the feast of Pentecost [11th May], in the time of Henry of Wardlaw, bishop, and of James Biset, prior.' As Bower had ample means of knowing the facts, there is no reason to doubt the general accuracy of his statement. It is indeed substantially confirmed by the charter subsequently granted by Bishop Wardlaw, who refers to the University as already praiseworthy begun (*jam laudabiliter inchoata*) by the Doctors and others to whom the charter is addressed. Curiously enough Bower is silent as to who was the founder of the University.<sup>2</sup> He gives the date of its beginning and the names of its first teachers; he duly chronicles the arrival of the papal bulls and the festivities that

<sup>1</sup> The bulls were twice printed by the University Commissioners of 1826, and may be read in the volume of 'Evidence' relating to St. Andrews published in 1837, pp. 171-6. A facsimile of the one which is still preserved, along with a transcript and a translation, will be found in part ii. of the *National Manuscripts of Scotland*.

<sup>2</sup> In an earlier section of the *Scotichronicon* (lib. vi. cap. xlvii.), probably also written by Bower, Wardlaw is described as 'Hic vir mansuetus . . . qui in civitatem Sancti Andree primus fundator Universitatem introduxit.'



followed thereon; but he takes no notice of Bishop Wardlaw's charter. Wardlaw and Biset are only casually named as the bishop and the prior who happened to be in office when these events happened. But Wardlaw, in his charter of 1411-12, claims to have *de facto* instituted and founded the University, and in that document he proceeds to found it over again (*ex abundanti*), with the consent of his chapter, and to confer upon it various immunities and privileges. The prior and convent of St. Andrews likewise ordained the bishop's concession of privileges to be observed throughout their respective baronies. In the absence of any other document, this composite charter of 28th February, 1411-12, must be held to be the foundation charter of the University. If any earlier writing of a similar nature ever existed, no trace of it can now be found.

Papal confirmation of the foundation being essential to enable the new University to become effective, and especially to confer degrees carrying with them the *jus ubique docendi*, Henry Ogilvy, a Master of Arts of the University of Paris and a priest of the diocese of St. Andrews, appears to have been despatched to the Court of Benedict XIII., the pope to whom Scotland at that time adhered, to procure the indispensable bull. He carried with him the customary petition, addressed to the pope in name of the king of Scotland, and the bishop, prior, archdeacon and chapter of St. Andrews; and it was in response to it that the six bulls already referred to were issued.<sup>1</sup> For more reasons than one, I have long been anxious to see the full text of this petition, and quite recently I caused a search to be made for it in the Vatican archives. The petition itself could not be found, but the substance of it has been preserved in the papal registers in a form which seems to indicate that nothing essential has been omitted and that the *ipsissima verba* of the original have for the most part been retained. An abstract of this document, in English, has long been at the Record Office in London, and was printed in 1896.<sup>2</sup> I have thought it worth while to procure a com-

<sup>1</sup>The issue of so many bulls to the same University on the same day is probably a unique event in academical history. It arose from the somewhat unusual form of the petition and the consequent necessity of dealing with some of its clauses in separate documents. An almost parallel case is the University of Cahors, which obtained an equal number of bulls from Pope John xxii. in 1332, but they were not issued simultaneously.

<sup>2</sup>Calendar of Papal Registers. *Petitions*, vol. i. p. 600.

plete transcript of it, and append it to this article as a hitherto unpublished document of some importance affecting the inception of the University.<sup>1</sup>

It will be observed that the movement to found a Scottish University was a national one. The proposal was discussed not only in the Chapter House at St. Andrews but also in the Scottish Parliament, and it had received the imprimatur of the Three Estates, while King James himself is named as one of the petitioners for its confirmation. The king, as is well known, was at the time a prisoner in England and so was prevented from taking any active part in promoting the scheme in his own country; but he appears to have been made acquainted with it by those who had occasional access to him, and to have given it his hearty commendation and support. Bower indeed, in recounting James's many virtues, credits him with carrying on a vigorous correspondence on behalf of the University, including letters to the Pope on the subject of its privileges.<sup>2</sup>

The various clauses of the petition have been transferred to one or other of the six papal bulls, sometimes almost word for word. But there is one striking exception affecting a no less important office than that of the Chancellorship. According to the Rev. C. J. Lyon, 'We have still the foundation-charter of the University, dated 1411, in which the bishop fixes its constitution, settles its discipline, confers various privileges upon its professors and members; and invests the government of it in the Rector, subject to an appeal to himself and his successors, whom he creates its perpetual chancellors.'<sup>3</sup>

This is rather a loose statement to be made by a historian who had closely examined the charter and relative bulls and published summaries of them in English. To refer to one point only, the word Chancellor is entirely absent from Wardlaw's charter, nor does it occur once in Benedict's half dozen bulls. In the petition, the pope was quite plainly asked to

<sup>1</sup> Appendix A.

<sup>2</sup> 'Ipse etenim non solum erat naturali ingenio callens, sed et morali philosophia multis etiam clarae scientiae viris praeditus et praedoctus, qui in tantum philosophiam et ceteras artes liberales in regno suo introduci affectans, quod, ad ipsius instantiam, multiplicatis intercessionibus, et diversis literis propria manu cancellatis et signatis, cum tamen ipse pro tunc in captivitate fuerat detentus, pro privilegiis Universitatis in ipso regno fiendae summo pontifici scripsit et obtinuit.' *Scotichronicon*, lib. xvi. cap. xxx.

<sup>3</sup> *History of St. Andrews*, vol. i. p. 203.

ordain that the Bishop of St. Andrews should preside over the University as Chancellor, and that, with the consent of the Faculties, he should have power to regulate the manner of conferring degrees, and to make laws and regulations for the government of the University. But this request is not given effect to in the bulls, and the only passage in them bearing upon the office of Chancellor (which is never named) is one ordaining that graduands in the different Faculties are to be presented to the Bishop of St. Andrews, or to his vicar-general, whom failing, to some other suitable and duly accredited person, for their degrees. In drafting the principal bull Benedict adhered pretty closely to the phraseology employed by him in the one he had issued in favour of Turin on 27th October, 1404 (which in turn had been modelled on Urban VI.'s bull of 21st May, 1388, in favour of Cologne), and so avoided the formal appointment of a Chancellor.<sup>1</sup>

He probably disliked the innovation, and in particular the request to confer upon the Bishop of St. Andrews the right of taking part in the general management of the University, and thus of encroaching upon the functions of the Rector.<sup>2</sup> In other respects the prayer of the petition was fully given effect to, either in the principal bull or in the supplementary bulls.

The papal bulls arrived in St. Andrews on Saturday,

<sup>1</sup> It may be noted that in acting thus Benedict simply followed the long-established practice of the papal chancery. I do not remember to have seen a foundation bull of the fourteenth century in which the title of Chancellor was conferred upon any archbishop, bishop, provost, or other ecclesiastical dignitary to whom the power of conferring degrees was committed. On the other hand, with a few exceptions, this title was regularly conferred by the papal bulls of the fifteenth century. The practice was probably inaugurated by Alexander V., who introduced the following clause into his Bull of 9th September, 1409, founding the University of Leipsic: 'Et insuper dictum episcopum Merseburgensem existentem pro tempore huiusmodi studii cancellarium auctoritate prefata constituimus et etiam deputamus.' *Urkundenbuch der Universität Leipzig*, p. 3.

<sup>2</sup> At Louvain, for example, the Provost of the Collegiate Church of St. Peter, who had been created Chancellor by Martin V. in 1425, had no administrative powers. 'Summum et unum est Academiae caput, seu Princeps unus: hunc Rectorem appellamus. Ejus dignitas omnino magna est.' . . . 'Secundus in Academia Honor est Cancellarii, isque perpetuus. Eius officium est, titulos et honores Academicos Magisterii, Licentiae, Doctoratus, exactis Studiorum spatiis, auctoritate Pontificia, conferre more in Academicis recepto. Jurisdictionem nullam exercet; habet vero in publicis consessibus omnibus proximum a Rectore locum.' *Nicolai Vernulaei Academia Lovaniensis*, 1667, pp. 11, 19.

3rd February, 1413-14,<sup>1</sup> and were presented to Bishop Wardlaw at nine o'clock on the following morning in the Refectory of the Priory, where they were read in presence of a solemn assembly of clergy. A religious service in the Cathedral followed, and thereafter amid much 'boisterous enthusiasm,' the University started upon its career as a fully privileged *Studium Generale*.

The king does not appear to have been directly represented on this auspicious occasion, nor is there any authentic record of his connexion with the University until some time after his return to Scotland. Notwithstanding this, modern writers have followed each other closely in attributing to King James various forms of activity with respect to the University and its members in the period immediately succeeding his coronation by Bishop Wardlaw, at Scone, on 21st May, 1424. Thus Dr. M'Crie, writing in 1819, says:

'James I., who, in recompence of his long captivity, had received a good education in England, patronised the newly-erected University after his return to Scotland. Besides confirming its privileges by a royal charter, he assembled those who had distinguished themselves by teaching, and by the progress which they had made in their studies, and after conversing familiarly with them, and applauding their exertions, rewarded them according to their merit with offices in the state or benefices in the church.'<sup>2</sup>

Twenty-four years afterwards, Lyon had discovered some additional particulars and was able to expand this statement a little, as follows:

'One of his first cares, after [his return], was to sanction and encourage the infant University. From the Continental universities he invited many learned theologians, and particularly, it is added, some Carthusian monks, to assist in following up his undertaking. The public disputations of the students he countenanced with his presence, and ordered that the Professors should recommend none for ecclesiastical preferment but such

<sup>1</sup> They had thus been five months on the way. Following Archbishop Spottiswoode, Dean Stanley, Principal Cunningham, and others have represented these bulls as coming from Rome. But it was only metaphorically that they emanated from the Eternal City. As a matter of fact, they came from Peñíscola, a rocky fortress on the east coast of Spain, to which Benedict had retired after the Council of Pisa.

<sup>2</sup> *Life of Andrew Melville*, vol. i. p. 217.

as were skilful in their several faculties, as well as virtuous in their lives. He likewise enacted, that all commencing Masters of Arts should swear to defend the Church against her enemies, and particularly against all adherents of the heretical sect then denominated Lollards.<sup>1</sup>

Later still, in 1883, Principal Shairp, without getting much beyond Lyon, contrived to tell a slightly different story to an Oxford audience :

‘But the king, as soon as he was restored to his throne, made it, we are told, one of his earliest cares to resort with his queen to St. Andrews, and lodge with Henry Wardlaw in his episcopal residence in the old sea-fort. He visited, accompanied by the Bishop, the rising schools, and was present at the disputations held there by the students. He did all he could to encourage the growth of the university. He invited from foreign universities many learned theologians to come and teach in the young Paedagogium, and especially monks of the Carthusian order. And he ordered the regents or professors to recommend to him for ecclesiastical preferment none but students of proved capacity and learning and of virtuous life.’<sup>2</sup>

There is doubtless a certain amount of truth in some of these assertions, which have been gathered from Bower, Boece, Buchanan, and Spottiswoode. But the statements of these writers are very general, and some of them can have no reference to St. Andrews at all. There is no documentary proof for any of them in the possession of the University, nor indeed do its records give any indication of the king’s interest in its welfare between 1424 and 1432. It can, on the other hand, be quite clearly shown that Lyon was wrong in attributing the oath against Lollardism to King James. It was as early as 6th June, 1416, that the Faculty of Arts prescribed the form of oath to be taken, in the hands of the Bedellus, by those about to incept. It consisted of eight clauses—the fifth being in these terms :

‘Item jurabitis quod ecclesiam defendetis contra insultum Lollardorum et quibuscumque eorum secte adherentibus pro posse vestro resistetis.’

With Laurence of Lindores, ‘inquisitor of heretical pravity,’

<sup>1</sup> *History of St. Andrews*, vol. i. p. 208.

<sup>2</sup> *Sketches in History and Poetry*, pp. 264-5.



as Dean of the Faculty, and Robert, Duke of Albany, as Governor of the Kingdom—a man who

‘wes a constant Catholike;  
All Lollard he hatyt and heretike,’<sup>1</sup>

it surely did not require an injunction from the exiled king to stir up the University to exact from its graduates a solemn promise to defend the faith of the Church.

All the same, it may readily be believed that, after his liberation, James was no stranger to St. Andrews, and that he found in its University an institution worthy of his fostering care. But it now transpires that before long he formed the opinion that it was not located in the safest and most suitable place, and that he even went the length of applying to Pope Martin V. for permission to transfer it from St. Andrews to Perth. This hitherto unrecorded fact is learned from a papal missive of which the text is here published for the first time.<sup>2</sup> This application was made within two years of the king’s coronation, and he seems to have been alone responsible for it. Charters under the great seal issued from St. Andrews in 1426 would seem to indicate that James was there in January, February, April, and July of that year.<sup>3</sup> His views and intentions must have been known to the officers of the Crown who accompanied him, as well as to Bishop Wardlaw and the Rector and Masters of the University; but his letter to the Pope, like some of those earlier ones referred to by Bower, had been transmitted by his own authority and under his own sign manual.

Only two reasons were given in the king’s petition to the Pope for the removal of the University from its original site. First, that St. Andrews, being situated on the sea-coast, was rather close to England, between which country and Scotland there were frequent wars and dissensions; and second, that Perth being situated in the centre of the Kingdom, and having a better climate and a more abundant supply of provisions than other places in Scotland, offered all the advantages required by those resorting to a university. James had no doubt other reasons for the scheme he had in hand. Perth was still the

<sup>1</sup> Wyntoun, Book IX. chap. xxvi.

<sup>2</sup> Appendix B. I am indebted to Professor Enrico Celani, of the Officio Bibliografico in Rome, whom I had employed to search for the Petition, for drawing my attention to the existence of this important letter.

<sup>3</sup> *Registrum Magni Sigilli*, vol. ii. pp. 6-10.



capital of Scotland and had long been the ordinary meeting-place of Parliaments and General Councils. James's first Parliament had met there on 26th May, 1424, and had been followed by others on 12th March, 1424-25, and 11th March, 1425-26. In the last mentioned year James was also negotiating for the foundation of a Carthusian monastery at Perth. His aim appears to have been to make Perth the principal city of his Kingdom—the centre of legislation, religion, and learning.

The scheme was a bold one considering that the University had been so recently founded, and that it was located in the ecclesiastical metropolis of the country. But even then it was not without precedent. Almost at the very same time the University of Turin had been actually removed to Chieri; while two centuries earlier a contract was prepared for transferring the University of Padua to Vercelli.<sup>1</sup> In one sense the removal of the University from St. Andrews to Perth would have been attended with no great difficulty. It was at the time entirely unendowed, and had no material possessions of any kind in St. Andrews, with the exception of a small building with a narrow strip of ground attached, which had been gifted to it in 1418 by a certain Robert of Montrose for the purpose of founding a College in honour of St. John the Evangelist. The public meetings of the University were held in the different churches and religious houses, and its teaching was carried on in halls or pedagogies opened by the various masters. The students lived in rooms throughout the town just as they do now, although the Faculty of Arts had favoured 'collegiate' living as early as 1414.

Martin V.'s answer to the king's petition was eminently discreet and cautious. While not unwilling to grant the royal request, the Pope felt that he had not sufficient knowledge of the circumstances to warrant his giving effect to the prayer of the petition without careful inquiry. He accordingly referred the whole matter to the Bishops of Glasgow and Dunblane, directing them to examine diligently into the truth of the statements set forth in the petition and to make certain that the University and its members would be invested with such royal privileges and liberties as seemed to them to be useful and necessary for its favourable growth and preservation. If the two bishops were able to satisfy themselves that the statements

<sup>1</sup> Rashdall, *The Universities of Europe in the Middle Ages*, vol. ii. pp. 57, 12; *Scot. Hist. Rev.* vol. iii. p. 53.

were true, and that Perth was in all respects a suitable place for a university, they were empowered, by apostolic authority, to transfer the University of St. Andrews thither, along with its masters, doctors, and scholars, but in such a manner and under such conditions that the University and all connected with it should continue to enjoy in the town of Perth exactly the same privileges and immunities that they enjoyed in the city of St. Andrews.

What the two bishops did in the matter, it is impossible meantime to say.<sup>1</sup> So far as I can discover, no further notice of the transaction exists. The University records that have come down to us give no hint whatever that any such proposal was ever made. It was a scheme which could not fail to excite considerable opposition, especially in St. Andrews, and if it had been persevered in some notice was almost bound to have been taken of it in contemporary documents. The probability is that the king found that it would be inexpedient to press the matter and so allowed it to drop. Be that as it may, it probably had the effect of stirring up the University authorities, including Bishop Wardlaw himself, to do something to make its position more stable at St. Andrews. Thus we find the Faculty of Arts on 9th March, 1429-30, voting forty shillings from its funds towards the expenses of the Rector and some other deputies who had gone to the Parliament then sitting in Perth, to endeavour to obtain certain privileges for the University. To add dignity to their mission they were also allowed to have with them the Faculty mace.<sup>2</sup> Then, in the very same month, Bishop Wardlaw, who had so far done nothing towards endowing the University, announced his intention of handing over a tenement situated beside the Chapel of St. John for the purpose of erecting a College for the Faculty of Arts, provided the Faculty would

<sup>1</sup> As 'St. Andrews men' they were probably not much in favour of the scheme. John Cameron, Provost of Lincluden, who had just been elected to the See of Glasgow, is understood to be the Johannes de Camera whose name appears among the Bachelors of Arts of the University in 1416, and among the Licentiates in 1419. He was appointed Official of Lothian by Bishop Wardlaw in 1422, and had been at St. Andrews, in the capacity of Keeper of the Privy Seal, several times in 1426. William Stephen, Bishop of Dunblane, was one of the first Masters in the Faculty of Theology and Canon Law at St. Andrews.

<sup>2</sup> On 21st January, 1436-37, a further grant of five merks was made 'pro expensis faciendis per rectorem et ceteros deputatos apud Perth pro nostris privilegiis servandis,' but it is not clear to what particular mission this refers.

make a grant from its common purse towards the construction of the building. The Faculty cordially agreed to do so, and several of its members also promised contributions from their own resources. The charter of donation was completed on 9th April, 1430, and on the day of infestment there was much mutual congratulation and speechmaking, while the ceremony itself was witnessed by the Bishop of Caithness, the Rector of the University, and a goodly company of other dignitaries. Fully five years elapsed before the building was first used as a meeting place for the Faculty of Arts. It was at first known as the 'Magna Scola Collegii,' and afterwards as the 'Nova Scola Facultatis.'

Nothing more is recorded of the visit of the deputation to Perth in 1430, but it may be assumed it was not altogether in vain, for by a charter under the great seal, dated at Perth 20th March, 1431-32, the king took the University and all its members under his firm peace, custody, defence and maintenance, and declared them to be exempt from all taxations and burdens of every kind imposed within the Kingdom of Scotland. In granting these privileges the king expressed his ardent desire for the welfare of the University (which he called his 'beloved daughter'), and his earnest hope that it would produce men distinguished for knowledge, lofty counsel, and upright life, through whom the orthodox faith would be defended and justice and equity maintained. This was the first of a lengthy series of royal charters issued on behalf of the University by the Scottish sovereigns. It was immediately followed by another charter, also under the great seal, dated at Perth 31st March, 1432, confirming the privileges which had been granted to the University by Bishop Wardlaw. Among the local witnesses to these two charters were Bishop Wardlaw, Laurence of Lindores, Rector of the University, James Haldenston, Prior of St. Andrews, and Thomas Arthur, Provost of St. Andrews.<sup>1</sup>

The University had now obtained all the patronage and protection it required. Fortified with episcopal, papal, and royal charters, its autonomy was complete, and it required no more help from without except endowments and a continuous supply of students. But it was founded in a turbulent age, and peace did not always reign within its borders. Rival pedagogies had almost from the first been a source of strife

<sup>1</sup> *Evidence*, p. 178; *Reg. Mag. Sig.* vol. ii. p. 46.

among the masters and the cause of insubordination among the students. Pecuniary and other purely mundane troubles likewise cropped up now and then: hence we read in one place that *de isto computo non fuit concordia inter dictos deputatos*. The king no doubt knew all this, and having taken the University under his royal protection, and conferred upon it every possible privilege, he next tried to bring about law and order among its members. On 21st November, 1432, the Faculty of Arts met to consider an 'Appunctamentum' which had been received from William de Foulis, Keeper of the Privy Seal, and formerly one of the first teachers in the University. This decree had been drawn up, or approved, by the king<sup>1</sup> for transmission to the Faculty in the expectation that it would be accepted and its injunctions duly complied with. But the Faculty was an independent body and had already declined to acknowledge the jurisdiction of the University in the disposal of its revenues. The meeting evidently did not relish the interference of the king in the internal affairs of the Faculty, but after deliberation a way out of the difficulty was found. It was resolved that the 'Appunctamentum' should not be made into a statute, but that it should have the force of one, so that it should not be lawful for any master or scholar to infringe or disobey it, unless perchance it were first of all revoked in whole or in part. This 'Appunctamentum' is a somewhat lengthy document of eleven clauses. It provides, among other things, that the Dean of the Faculty be held in becoming reverence by its members and his orders obeyed; that the Dean should pay a weekly visit to the different pedagogies and take note of the manner in which they were conducted; that the Dean should have the assistance of three of the senior masters in the performance of his duties; that students wishing to pass from one pedagogy to another should give satisfactory reasons before being allowed to do so; that the masters and scholars of the various pedagogies should frequent each other's weekly disputations with a view to mutual intercourse and friendship; and that means should be taken to restrain the students from excesses.<sup>2</sup>

With this well-meant endeavour to promote peace and concord in the Faculty of Arts, King James's efforts on behalf of the University appropriately closed. At any rate no other direct

<sup>1</sup> As transcribed into the Faculty Register it is initialled I. R.

<sup>2</sup> The full text of this document will appear among the *Acta Facultatis Artium*, which are at present being prepared for publication.

reference to his connexion with the University has been met with in contemporary sources of information. As already noted, the University would appear to have been concerned about its privileges in the beginning of 1437, but by that time the king's tragic end was drawing near, and nothing more is heard of the matter. His interest in the University probably never flagged, and he may have done more for it than the meagre records that have survived might lead one to suppose. The University of St. Andrews was singularly fortunate in its founders and early patrons. Henry Wardlaw was one of the best of Scottish bishops, and James I. was one of the most cultured of Scottish kings. James Biset, the prior, 'was like a well-grafted shoot of a true vine that grew into a choice tree'; while Laurence of Lindores, its first Rector, was a churchman of outstanding ability and learning. Equally distinguished for learning and culture was Benedict XIII., who, as a pope, 'failed through intellectual rather than moral faults.' It is not surprising that the University prospered and attracted students from all parts of the country as well as from all ranks of society. The actual numbers have doubtless been greatly exaggerated, but that the University justified its foundation, even in the early decades of its existence, there can be no reasonable doubt.

The documents appended to this article are printed exactly in accordance with the copies received. The transcripts were made by Dr. Vincenzo Nardoni, of the Vatican Secret Archives; they have been carefully collated and are certified to correspond in every respect with the papal registers.

J. MAITLAND ANDERSON.

#### APPENDIX A.

Beatissime pater pro parte devotorum filiorum vestrorum Jacobi regis Scottorum illustris, Henrici episcopi, prioris et capituli ac archidiaconi Sancti Andree exponitur S. V. quod cum ipsi nuper de consilio et consensu ac communi tractatu trium statuum seu brachiorum regni Scotie pie devocionis et sinceritatis fidei fervore accensi, considerantes quamplura discrimina et pericula clericis sue dictionis in facultatibus theologicis, juris canonici, civilis, medicine et liberalium artium cupientibus erudiri propter viarum transitum quotidie imminere, ac guerras et capturas ipsorum et rixas in ipsorum transitu per scismaticos eorum perfidos inimicos enormiter perpetrari ac etiam quia multi in regno predicto dociles existentes propter viarum discrimina et expensas et onera supradicta verentur ad studia litterarum accedere etiam propter defectum expensarum, et in ipsis facultatibus erudiri, qui si in regno predicto generale studium existeret de facili



instrui et doceri, et sic dicti regni inhabitatores viris scientiarum peritis possent luculenter decorari in civitate Sancti Andree ad hoc habili et ydonea reputata, generale studium seu universitatem studii generalis institui et fundari proponerent, auctoritate sedis apostolice mediante. Et propterea rex, episcopus, prior, capitulum et archidiaconus prelibati propter zelum et fervorem ipsius universitatis seu studii generalis, et ut clerici ipsius regni cupientes dictis facultatibus insudare, et in scientiis proficere litterarum, ut fructum in Dei ecclesia afferant peroptatum, et in ipso studio melius valeant insistere seu vacare, ipsam universitatem vestra auctoritate apostolica fundandam et instituendam ac studentes in eadem certis privilegiis, immunitatibus et libertatibus immuniendos atque dotandos ac a diversis oneribus, collectis, vigilliis, muneribus, tributis et exactionibus liberandos ac bedellis, scutiferis, familiaribus et servientibus ac aliis dicte universitatis officiariis privilegia concedenda secundum quod in publico instrumento sigillis episcopi et capituli predictorum munito plenius designatur ad S. V. occurrunt humiliter supplicantes et devote quatenus E. S. sua benignitate apostolica dictum studium cum singulis facultatibus in dicta civitate Sancti Andree designatum perpetuis temporibus duraturum instituat, corroboret et confirmet. Statuentes ut episcopus Sancti Andree, qui pro tempore fuerit, et vacante sede suus vicarius in spiritualibus ibidem presint, ut dicti studii cancellarius qui habeant circa regimen dicti studii cum consensu facultatum in dicto studio degentium, circa promovendos in eodem et alia que occurrunt ad regimen dicti studii, laudabiles ordinationes, constitutiones et conservationes facere valeant imponere et ordinare. Item quod viri habiles ad dictum studium convolantes etiam beneficiati per totum regnum petita sui ordinarii licentia, licet non obtenta, in prefato studio per decenium insistere valeant, et fructus recipere suorum beneficiorum, elapsoque decennio si in antedicto studio regere vellent in scollis publice legendo huiusmodi fructus in absentia percipere valeant, quamdiu huiusmodi lecturis publice perinsistunt. Item quod rector dicti studii per huiusmodi facultates assumendus seu eligendus, graduatus existat et infra sacros constitutus. Item quod singuli studentes in dicto studio secundum ordinationem sacrorum canonum libere testamentum condere valeant quod suus ordinarius seu officialis quicumque occasione prefati testamenti aliquid exigere minime valeant seu a suis executionem aliquantulum vendicare. Ita quod singula privilegia per episcopum, priorem, capitulum et archidiaconum in publico instrumento designata, ac suis sigillis roborata, ad eorum instantiam per V. S. confirmentur, et perpetuis temporibus roborentur. Item ut omnia et singula perpetuis temporibus observentur de benignitate ejusdem sedis apostolice dictis studentibus conservatoriam concedere dignemini vestra de gratia ampliori. Et insuper pro augmentatione dicti studii inchoandi quod bacallarii seu licentii in aliis studiis de presenti scismaticis in dicto studio suos cursos perficere valeant et eorum gradus recipere. Juramentis in contrarium prestitis non obstantibus quibuscumque.

Fiat et instituimus ac fundamus, confirmamus, statuimus et concedimus ut supra continetur. L. S.

Datum Paniscole Dertusensis diocesis quinto kal. Septembris anno decimonono. Expedita loco, die et anno predictis.<sup>1</sup>

#### APPENDIX B.

Martinus etc. Venerabilibus fratribus Glasguensi et Dumblanensi episcopis salutem etc. In apostolice dignitatis specula licet immeriti constituti ad singula

<sup>1</sup> *Archiv. Vatic. Ben. XIII. antip. Reg. suppl. vol. 88, fol. 197.*



paterne considerationis aciem extendentes et actente prospicientes quod per litterarum studia viri efficiantur ydonei quorum salutaris disciplina Dei letificat civitatem instruuntur rudes, proveci ad altiora concrescunt, justicia colitur tam publica quam privata, inducimur non indigne ut ad ea que pro studiorum hujusmodi, et illis insistentium commodis, utilitate et tranquillitate oportuna fore conspicimus efficaces opem et operam impendamus. Exhibita siquidem nobis nuper pro parte carissimi in Christo filii nostri Jacobi regis Scotorum illustris peticio continebat quod ipse generale studium per quondam Petrum de Luna in ejus obedientia de qua partes ille tunc erant nuncupatum in civitate Sancti Andree in Scocia fundatum et erectum ad villam Sancti Johannis Sanctiandree diocesis ipsius regis regali dominio subiectam et in medio regni Scocie situatam tum propter guerras et discidia inter Anglie cui ipsa civitas propter maris propinquitatem satis vicina existit ac predictum Scocie regna frequenter suscitata, tum etiam propter aeris temperiem ac victualium quorumlibet copiam et opulentiam quibus ipsa villa pre ceteris dicti regni Scocie locis habundare dinoscitur pro commodo utilitate et tranquillitate ad studium hujusmodi confluentium transmutari atque transferri desiderat. Quare pro parte dicti regis nobis fuit humiliter supplicatum ut studium hujusmodi de prefata civitate ad dictam dillam transferre et alias super hiis oportune providere de benignitate apostolica vignaremur. Nos igitur de premissis certam noticiam non habentes hujusmodi, supplicationibus inclinati fraternitati vestre de qua in hiis et aliis specialem in Domino fiduciam obtinemus per apostolica scripta committimus et mandamus quatenus de premissis omnibus et eorum circumstantiis universis auctoritate nostra vos diligenter informetis et inquiratis diligentius veritatem, et si per informationem hujusmodi ea vera esse, dictamque villam aeris temperie refertam, victualibus opulentam ac pro hujusmodi studio alias aptam, fertilem et accommodam fore reppereritis ipseque rex studium ipsum et ad illud pro tempore confluentes illique insistentes suis regis privilegiis et libertatibus decorare voluerit postquam rex ipse rectori et scolaribus in dicto studio pro tempore residentibus oportuna privilegia et libertates que vobis pro felici incremento et conservacione dicti studii utilia et necessaria videbuntur concesserit, super quibus omnibus vestras conscientias oneramus dictum studium de prefata civitate ad dictam villam auctoritate apostolica transferatis ac una cum universitate magistris, doctoribus et scollaribus sub illis modis, formis, clausulis et conditionibus quibus generale studium in dicta civitate institutum fuit et erectum in ipsa villa eadem auctoritate instituatis et etiam erigatis. Ita quod de cetero in ipsa villa generale in facultate qualibet prout hactenus in dicta civitate fuit sit studium illudque ibidem perpetuis temporibus vigeat et observetur, quodque universitas, magistri, doctores et alii scolares qui in illo pro tempore residebunt, postquam ad prefatam villam translatum fuerit, ut prefertur, omnibus et singulis privilegiis, exemptionibus, libertatibus, franchisiis et indultis tam apostolica quam ordinaria auctoritate ac per ipsum regem et predecessores suos aut alias quovis modo eis concessis, quibus in prefato studio in dicta civitate gaudent et potiuntur de presenti ex tunc etiam in dicta villa uti valeant pariter et gaudere. Non obstantibus constitutionibus et ordinationibus apostolicis ac statutis et consuetudinibus dicti studii, juramento, confirmatione apostolica vel quacunque firmitate alia roboratis, ceterisque contrariis quibuscumque. Datum Genezani Penestrine diocesis kal. Augusti anno nono.<sup>1</sup>

<sup>1</sup> *Archiv. Vatic. Reg. Lateranen. Mart. V. an. IX. vol. 260, fol. 146<sup>r</sup>.*

## The Early History of the Scots Darien Company

### ORGANISATION IN LONDON \*

THE London merchants who had sent Paterson's draft to Scotland anxiously awaited news of the passage of the Act. They felt fairly confident, nevertheless, that it would go through with slight modification, and went so far as to engage a secretary for the Company that was still in embryo.<sup>1</sup> Roderick Mackenzie, scrivener, had just passed his thirtieth year. Faithful to his employers, and extremely loyal to the Company, he continued to serve as its secretary until its dissolution.<sup>2</sup>

As soon as the welcome news arrived, a correspondence began between William Paterson and the Lord Provost of Edinburgh, which is of great interest as showing the former's attitude of mind, and the dilatory methods of the Edinburgh patentees. On the 4th of July, 1695, he wrote expressing his belief in the great importance of their undertaking, which nothing but prudent management could bring to a successful issue. He cautions them that the principal designs were only to be disclosed as they were executed. The latter part of October is suggested as a time for the first meeting of the patentees. The London promoters suggested a capital stock of 360,000 pounds. They thought also that subscriptions ought to be canvassed for. Here was the method suggested: 'As for reasons we ought to give none but that it is a fund for the African and Indian Company, for if we are not able to raise the fund by our reputation, we shall hardly do it by our reasons.'<sup>3</sup> The resemblance to cer-

\* See *Scottish Historical Review*, vol. iii. p. 210, for the earlier stages of the History of the Scots Darien Company.

<sup>1</sup> *State of Mr. Paterson's Claim upon the Equivalent*, 1712, p. 5.

<sup>2</sup> *Ibid.* pp. 4-6.

<sup>3</sup> Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 3.

## Early History of Scots Darien Company 317

tain modern companies that have been floated on the reputation of the promoters is very marked. Satisfaction is expressed with the choice of patentees in Edinburgh. The general tone of the letter is hopeful and extremely tactful, but it is interesting to note this premonition of the evil that was to come.

Five days later he wrote again, urging that as great a number as possible of the patentees should meet in London to settle the constitution of the Company. Evidently the Scots promoters wished the first meeting to be in Edinburgh; for Paterson says: 'It's needful the first meeting should be in London, because without the advice and assistance of some gentlemen here it will not be possible to lay the foundation as it ought, either to counsel or money.'<sup>4</sup> Fears are expressed that the Parliament of England might take unfavourable notice of the Company in the ensuing Session, which was expected shortly.

The English Parliament was not sitting at the time of the passage of the Act, and in fact was not to meet until the latter part of November. In the meantime much might be done, and the Company fairly launched before it was interfered with by the powerful chartered companies that had Parliamentary influence. The London promoters however had not realised how unbusinesslike their Edinburgh colleagues could be. The Scots were so patriotic and felt that they had already accomplished so much by securing the passage of the Act that they were in no haste to acknowledge the leadership of the London patentees, and in fact were in no haste to do anything. The opportunities which the Act gave for establishing a large trade were clearly seen in London, together with the necessity for engaging 'some of the best heads and purses for trade in Europe therein.'<sup>5</sup> Opposition from the English and Dutch companies was expected, which was another reason for keeping the design secret.

Paterson continued to urge the Scots to make no distinction of parties in this great undertaking, but if a man were a member of the Company, to look upon him as of the same interest as they, no matter of what nation or religion he might be. He knew the habits of his countrymen, and foresaw that very disunion and bad management which eventually brought the undertaking to grief. In fact, he is almost prophetic when he writes: 'We may be sure, should we only settle some little colony or

<sup>4</sup> Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 4.

<sup>5</sup> Same to same, *Dar. Pap.* 3.

plantation, and send some ships, they<sup>6</sup> would look upon them as interlopers, and all agree to discourage and crush us to pieces.' His ideas of the way things were likely to go were based on examples of the failure of the French, Danish, and Prussian companies. 'We ought to expect no better success if our designs be not well grounded and prudently managed.'<sup>7</sup>

A month later he wrote again in no very happy frame of mind, for they had heard nothing from Edinburgh since the news of the passage of the Act, and had as yet received no authentic copies of it. He reminds them 'that the life of all commerce depends upon a punctual correspondence.'<sup>8</sup> Evidently the promoters had been at work interesting possible subscribers, but could do nothing definite until they knew the wording of the Act. In the meantime, on the 17th of June, the Scots Parliament had adjourned, but not without passing an act to enable the administrators of the public funds of boroughs to invest in the Company.<sup>9</sup> Even trust funds were to be imperilled to favour the new project.

On the 14th of August the London promoters received a letter from Edinburgh, which encouraged them to prepare for a general meeting of the corporation in October or November. The next day Paterson wrote that at least three of the persons named in the Act must come from Scotland, for two of the London promoters had been misnamed, so that three more would be needful to make up the requisite majority until the mistaken names could be rectified. They were much chagrined to find printed copies of the Act in the hands of their enemies before they had any. The Edinburgh directors do not appear to have had much business sense or caution. London merchants were already becoming alarmed as they came to appreciate the large powers granted to the Company. Secrecy was no longer of any value, but haste became absolutely essential to success.

The first regular meeting 'of the gentlemen concerned in the company' occurred on the 29th of August. None had arrived from Scotland, but all of the London patentees were present, except the two whose names were incorrectly given in the Act, and one other who seems to have dropped out of the corporation, as his name does not appear on the list of those present at any of the subsequent meetings. It was resolved that all persons

<sup>6</sup> The English and Dutch Companies.

<sup>7</sup> Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 4.

<sup>8</sup> Same to same, *Dar. Pap.* 4.

<sup>9</sup> *Acts Parl. Scot.* IX. 463.

## Early History of Scots Darien Company 319

who were desirous of joining the Company give their names, with the sums for which they were willing to subscribe, to Roderick Mackenzie, the newly-appointed secretary, who was cautioned not to allow said names or sums to be known to any persons whatsoever, without special direction of a majority of the members. This caution he observed even under the fire of Parliamentary investigation. In order to defray necessary expenses, each of the gentlemen present agreed to advance 25 pounds until the Company could be definitely established.<sup>10</sup>

Meanwhile the Act was discussed about the city. The politicians favoured the passage of a similar act for England rather than any interference with the Scots Company, and apparently the East India merchants were not yet alarmed. As the Act met with such a favourable reception, Paterson wrote, on the 3rd of September, urging that the persons to be sent from Edinburgh be dispatched with all expedition.<sup>11</sup> He importunes them to get the Act past the seals as soon as possible, hinting darkly at important reasons for this haste, which it was not fit for him to write. Parliament was to meet in the week following, and doubtless Paterson feared action would be taken to interfere with the establishment of the Company.<sup>12</sup> Besides news had just been received of the fall of Namur, and the King might be expected home at any time.<sup>13</sup> If the Act had not already passed the seals he might be influenced by the London companies to give orders forbidding it. Within four days of the writing of this letter a squadron was 'ordered to go to convoy the King home.'<sup>14</sup>

As the Company became more and more public, it became more necessary to have definite proposals to offer to those interested, before their ardour should cool or the opposition grow more powerful; the delay in the arrival of the members from Scotland grew more and more fatal. Although only three were required, and Paterson continued every few days to urge their immediate presence, his letters seemed to have been in vain. Whether the delay was on account of the difficulties of the journey, or jealousy of the London merchants, or for some other reason, is not clear. Fortunately, the meeting of Parliament

<sup>10</sup> *Jour. Ho. Com.* xi. 401.

<sup>11</sup> Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 6.

<sup>12</sup> Narcissus Luttrell, *Brief Historical Relation*, iii. 503.

<sup>13</sup> *Ibid.* 518.

<sup>14</sup> *Ibid.* 522.



was postponed from time to time.<sup>15</sup> But preparations for the King's arrival continued daily.<sup>16</sup> His coming meant the opening of Parliament.

On the 19th of September Paterson wrote: 'We find ourselves daily more and more obliged by the constitution of affairs to press the coming of those persons who shall be deputed from you, the reasons still increasing for us to get our business here despatched before the approaching sessions of Parliament.'<sup>17</sup>

Enemies of the Company were industriously spreading abroad rumours that some of the persons concerned in the Company spoke contemptuously of the ability of the English government to restrain the new project. Whereupon the promoters, at a meeting on the 26th of September, ordered the members of the Company, upon all occasions, to speak with due respect of the English government.<sup>18</sup>

Little business could be done while they were waiting for the arrival of the members from Edinburgh. Yet apparently some of the Edinburgh patentees were still of the opinion that the business could be transacted by correspondence; or else that some of the London promoters should go to Scotland.<sup>19</sup> This was out of the question. Furthermore, the King had now arrived.<sup>20</sup> So they wrote through Paterson: 'We must now tell you that if you neglect coming up by a few days after this comes to hand it will endanger the loss of the whole matter.'<sup>21</sup> But the King went off to the races at Newmarket, where a horse of his won one of the big events.<sup>22</sup> He then proceeded to enjoy the hospitality of his nobles at a few house parties before Parliament should open late in November.<sup>23</sup>

Thus relieved for the present, the London promoters decided, on the 22nd of October, to begin to take subscriptions in a fortnight, and to fix the capital of the Company at £600,000 sterling.<sup>24</sup> While waiting for the arrival of the dilatory Scots, they

<sup>15</sup> Narcissus Luttrell, *Brief Historical Relation*, iii. 524, 526.

<sup>16</sup> *Ibid.* 524, 525, 526, 530, 532.

<sup>17</sup> Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 7.

<sup>18</sup> *Jour. Ho. Com.* xi. 401.

<sup>19</sup> Letter from William Paterson to Scots patentees, *Dar. Pap.* 8.

<sup>20</sup> Narcissus Luttrell, *Brief Historical Relation*, iii. 536.

<sup>21</sup> Letter from Wm. Paterson to Scots patentees, 15 Oct., *Dar. Pap.* 8.

<sup>22</sup> Narcissus Luttrell, *Brief Historical Relation*, iii. 537, 540.

<sup>23</sup> *Ibid.* 536, 537, 541, 542.

<sup>24</sup> *Jour. Ho. Com.* xi. 401.



## Early History of Scots Darien Company 321

proceeded, on the 24th of October to decide, provisionally, that the government of the Company should rest in a court of directors, consisting of the twenty patentees, and thirty other proprietors. These last were each to hold at least 1000 pounds in their own name, and the proxies of 18,000 pounds more. By the 29th of October the 300,000 pounds assigned to England had been over-subscribed.<sup>25</sup>

This stimulated the English East India Company to enlarge their own capital.<sup>26</sup> Money was so plentiful they raised an additional £125,000 in less than three weeks.<sup>27</sup> The Scots Company, however, had other troubles.

The Edinburgh patentees seemed to have distrusted Paterson and his London friends from the very beginning. They were slow in answering letters from London, careless in forwarding necessary documents, and reluctant to acknowledge, by sending delegates to London, that the seat of the enterprise was not in Scotland. Perhaps, too, they realised that the Londoners had little expectation of Scotland's being able to carry on the enterprise alone. They were undoubtedly jealous of the great London merchants, although they themselves had had little or no experience in large mercantile undertakings.

Realising the necessity for action, the London promoters continued to make provisional arrangements for the establishment of the Company. On the 3rd of November they selected an office, and agreed that all subscribers be obliged to pay down one quarter part of their subscription. They drew up a preamble, which declared that, 'inasmuch as Paterson had been at great expense in making discoveries in both the Indies, and likewise in procuring privileges from foreign powers which were to benefit the Company, he was to receive two per cent. of the money to be subscribed for the said capital fund, as well as three per cent. of the profits for twenty-one years; that the management of the Company was to rest in the court of directors; and, finally, that the persons named in the Act were to be a complete court until others were added. This was dated London, the 6th of November, 1695.<sup>28</sup>

Apparently the three delegates arrived from Edinburgh on the 9th of November, for on that date the minutes read for the first time, 'at a meeting of the Company of Scotland Trading to Africa and the Indies.' They had previously read, 'at a

<sup>25</sup> *Ibid.* 402.

<sup>26</sup> Narcissus Luttrell, *Brief Historical Relation*, iii. 544.

<sup>27</sup> *Ibid.* 553.

<sup>28</sup> *Ho. of Lords MSS.* ii. 15.

meeting of the gentlemen concerned in the Company, etc.' Their first business was to correct the names of the two London merchants which had been incorrectly spelled in the Act; their next, to approve the selection of Roderick Mackenzie as secretary. The Scots directors were surprised at the greatness of the proposed capital, but were satisfied by the reasons given, which Paterson was requested to put in writing, and transmit to Scotland, together with the proceedings of the Company. Upon examining the minutes of previous meetings, all were declared and confirmed to be the sense of the Company, excepting the resolution concerning the court of directors, which was to be further considered. This was on Saturday.

On Monday evening the Company met again. The management and constitution of the Company were discussed, but no decision was reached.

The English East India Company first took official cognizance of the existence of the Scots Company by voting, the 11th of November, that no member of their Company could be concerned with the Scots without breaking his oath to the English Company.<sup>29</sup> They also petitioned the King to grant them his gracious assistance.<sup>30</sup> He had now returned from his progress and was entertained on Wednesday evening by fireworks in St. James Square, which, says Luttrell in his diary, 'were very fine.'<sup>31</sup>

The Scots met again on Thursday, the 14th, when it came out that some of the patentees in Scotland might decline being directors in such a large company. Accordingly it was resolved that the subscribers there have an opportunity to appoint substitutes in places of those named in the Act.<sup>32</sup> On November 15th the deputies from Scotland made further objections to the preamble of the subscription book, but appear to have been satisfied by Paterson's explanations; and on the 18th the preamble was confirmed. A second meeting was held in the evening when, pursuant to the preamble, two new directors were admitted after producing proxies representing £20,000 of stock each. On Wednesday four more directors were admitted, and a Committee of Treasury was appointed to examine the notes of the subscribers who had not paid cash. It is characteristic of the good business policy of the London directors that a majority,

<sup>29</sup> MS. East India Company's Court Book, No. 37, folio 38A.

<sup>30</sup> Narcissus Luttrell, *Brief Historical Relation*, iii. 550.

<sup>31</sup> *Ibid.* 550.

<sup>32</sup> *Jour. Ho. Com.* xi. 402.

## Early History of Scots Darien Company 323

and a quorum, of the first committee to be appointed, consisted not of the old directors but of the new ones, men who had been appointed directly by the stockholders exercising their right of proxy. For the present they acted as a kind of executive committee.<sup>33</sup>

On the 22nd of November, at a meeting of the directors, two others were admitted, and the subscription book was declared closed, as the complete sum of £300,000, being that half of the capital destined for England, had been taken up.<sup>34</sup> The books were closed in the nick of time, for Parliament assembled this very day.<sup>35</sup> While the necessary business connected with its opening occupied the new Parliament and engrossed its attention, the directors proceeded to establish the Company more firmly in London.

On the day of the opening there appeared a little four-page pamphlet entitled, 'Some Considerations upon the late Act of the Parliament of Scotland for Constituting an Indian Company.' It bears the earmarks of Paterson's work. It was a very clever attempt to fend off impending danger to the Company by calling the attention of the English nation to the fact that the best way to keep ahead of the Scots was to make their own trading laws less stringent and not, as many proposed, to attack the new Company.<sup>36</sup>

On the 25th, two new directors were admitted and a committee was appointed to secure permanent offices for the Company. Here again the directors who represented stockholders were in the majority on the committee. At the next meeting, Nov. 27th, it was agreed that all the directors, officers, and servants of the Company should take an oath *de fidei*, as enjoined by the Act. At this time also a motion was made to send some ship or ships to the East Indies to secure a settlement for the Company. It was further proposed that such parts of the capital as were not needed for immediate use be loaned at high rates of interest upon unquestionable security on notes payable two days after demand.

<sup>33</sup> From now on the minutes bear the superscription, 'At a Court of Directors of the Company of Scotland Trading to Africa and the Indies' (*Jour. Ho. Com.* xi. 403).

<sup>34</sup> *Jour. Ho. Com.* xi. 403.

<sup>35</sup> Narcissus Luttrell, *Brief Historical Relation*, iii. 554.

<sup>36</sup> *Some Considerations upon the late Act of the Parliament of Scotland, for Constituting an Indian Company. In a Letter to a Friend.* London, 1695. A copy is in the British Museum.

These proposals were further considered on Friday, the 29th of November. The form of the oath was taken into consideration and approved, and signed by all the directors then present. This oath declared that during his term of office the juror would not disclose anything that was given him to be kept secret, but would endeavour to the utmost of his power to promote the Company's interests. The matter of sending ships to the East Indies, and the proposal to start a small banking business were referred to a new Committee of Trade. This committee consisted of nine directors, of whom only one besides Paterson was a charter member. Either the promoters of the Company were losing control, or else thought it advisable to allow representatives of the stockholders to have a free hand in directing the Company's affairs.<sup>37</sup>

The most interesting feature of this meeting, however, was the formal renunciation and release by Paterson of the royalty which had been guaranteed him in the preamble to the subscriptions. In the release he stated that it was done 'for divers good causes and considerations.' He declared orally that, as he had the satisfaction of seeing himself vested with the legal right to these royalties, and as the majority of the Court consisted of men in whose justice and gratitude he had confidence, he was resolved 'to take hold of so glorious an opportunity of showing the generosity of his heart.' He also stated that he had insisted upon the two per cent. in hand, and the three per cent. of the profits in the preamble of subscriptions, not because of any doubt that he had had in the justice and generosity of the Company, but because of the ingratitude he had met with from others, and because he had spent nearly £10,000 of his own and other men's money, besides 'ten years' pains and travel, six whereof were wholly spent, in promoting the design of this company.' This sounds very noble and generous, but sixteen years later, when struggling to have Parliament recoup his losses, he stated that his release 'was only given in trust.' He pleads that: 'Soon after completing the Subscriptions in London the Parliament met, about which time the Clamours were so great against this Company and the Proceedings thereof, that Ruin was threatened to those who were concern'd; and among other insinuations, it was confidently pretended, That the two per Cent. Premium was already receiv'd, and divided amongst several great Men, who procur'd the Act of Parliament, for constituting the Company.

<sup>37</sup> *Jour. Ho. Com.* xi. 404.

## Early History of Scots Darien Company 325

Tho' those concern'd well knew that all this was utterly False and Groundless, yet considering the impending Danger, they intreated, and prevail'd with the Petitioner, on the 29th of November, 1695, being the very last Day of their meeting in London, to execute this Release, with Promise, it should be only in Trust, and never us'd against him, as in effect it never hath.<sup>38</sup>

It was true that Parliament had already met, and that great clamours were arising against the Company, but it was not true that the 29th of November was the last day of their meeting in London. However, this is a small point, and one on which he was more likely to be mistaken after the lapse of sixteen years than the fact that in issuing his release he had yielded to great pressure and the unhappy circumstances of the time.<sup>39</sup> Probably there is a measure of truth in both accounts, and that, while it had been practically essential that he should make this release, he was really glad to do so by way of showing his confidence in the future of the Company and the honesty of the directors.

Although the House of Lords had a long debate over the Scots Act on the 3rd of December, the directors of the Company met on the 4th and resolved to fit out 'with all convenient speed' one or more ships to trade from Scotland to the East Indies.<sup>40</sup> There were twenty directors present, and there is nothing in the minutes to indicate any fear of immediate dissolution. The next meeting of the directors was on December 6th. After hearing the reports of committees, they went into such minute details as to take notice of the fact that many of the directors came late to the meetings, and caused the others to lose time. They decided what fines must be paid for tardiness. They even took the trouble to determine which clock should determine whether a member were late or not. This triviality was the last recorded act of the London directors.<sup>41</sup> They adjourned to meet on the following week, but by that time they were in the toils of the Parliamentary investigation. In fact, on the very next day the Lords ordered seven of those who had been named in the Act to appear before the bar of the House on December 9th.<sup>42</sup>

So ended the attempt to organise the Company in London.

<sup>38</sup> *State of Mr. Paterson's Claim upon the Equivalent*, 1712, p. 54.

<sup>39</sup> *Ibid.* 54.

<sup>40</sup> *Jour. Ho. Com.* xi. 405.

<sup>41</sup> *Jour. Ho. Com.* xi. 405.

<sup>42</sup> *Jour. Ho. Lords*, xv. 607.



### 326 Early History of Scots Darien Company

The investigation carried on by the English Parliament effectually changed the history of the enterprise. The London merchants, whose efforts had started the Company and given it form, were destined to have little say in its affairs. The account of their proceedings is interesting chiefly because it shows what the Company was intended to be and what it might have become. Directed by men accustomed to the ways of the world and versed in the intricacies of large commercial undertakings, the Company would probably have followed the legitimate lines of trade and not have staked their all on that vague chimera—the Darien Scheme.

The question of the organisation in London has either been overlooked or misunderstood by most writers. Macaulay and others, following Dalrymple, have misplaced this episode entirely, making it follow the organisation in Edinburgh.<sup>43</sup> Although the minutes of the London meetings of the directors have long been printed in the Commons' Journals, no one seems to have made any use of them.<sup>44</sup>

HIRAM BINGHAM.

<sup>43</sup> Macaulay, *Hist. of Eng.* viii. 211.

<sup>44</sup> A paper on the 'Investigation by the English Parliament into the affairs of the Scots Darien Company' to appear in the July number of the *Scottish Historical Review* will conclude this series.



## The 'Scalacronica' of Sir Thomas Gray

*The Reign of Edward I. as chronicled in 1356 by Sir Thomas Gray in the 'Scalacronica,' and now translated by the Right Hon. Sir Herbert Maxwell, Bart., continued.*

AT this time the Count of Flanders was captured at Béthune and kept in prison by the King of France; wherefore the commons of Flanders made war upon the French, and on St. John's day at midsummer they fought with the power of France at Courtrai, where the Comte d'Artois and several other French counts and barons met their death through pride and arrogance, because they charged the Flemings in their trenches.<sup>1</sup> Enraged at this, the King of France laid siege to Lille with all his forces. The Flemings sent to King Edward of England to ask for help, which king was aged and in bad health and his treasure spent in his wars with Scotland, in which his people were so deeply involved<sup>2</sup> that he could interfere to no good purpose. Who [nevertheless] willingly undertook to aid them, [and] adopted a stratagem, causing a letter to be forged [as if] from the *eschevins* of Ghent to himself which was expressed thus :—

'To their redoubtable lord, the King of England, his humble servants of Ghent [present] all honours and services.

'Forasmuch we think it will be agreeable to your nobility to hear the joyous news of the well-being of our Lord the Count of Flanders, your ally if you please, please your highness to understand that we have purchased to our [cause] a pretty large conspiracy of private and powerful people in the King of France's army, who have covenanted with us under sufficient surety to take

<sup>1</sup> The date of this 'Battle of the Spurs' is wrongly given. It was not fought on St. John's Day (24th June), 1304, but on 11th July, 1302. *En tour fossiez.* It is doubtful whether these *fosses* were military entrenchments or the existing ditches of the country. I incline to think that they were defensive works constructed for the occasion; like Bruce's pits at Bannockburn.

<sup>2</sup> *Enlacez.*

the king out of his tent within these fifteen days, and to send him to us at a certain fixed place<sup>1</sup> to be exchanged with our said lord.

'May it please your very excellent lordship to keep this matter secret, and to aid and defend, sustain and govern, your humble adherents<sup>2</sup> if they should require assistance when the aforesaid business is accomplished, which cannot well fail and will tend greatly to the increase of your estate. Which [things] we hope to perform, for if they are not done one day, they cannot fail on another; of so much we are certain.'

MS.  
fo. 202

King Edward took this letter, and one day when he rose from bed with his wife the Queen, who was sister to the King of France, and was at that time in Kent, he pretended to search in his purse for letters, then left this [forged] letter lying on his wife's bed, and went off to chapel to hear mass. The Queen perceived the letter, which she took and read and replaced. In the middle of the mass the King returned hastily to the Queen's chamber, asking impatiently<sup>3</sup> and abruptly whether anybody had found a letter; went to the bed, found the letter, snatched it up, folded it up with satisfaction, and departed quickly without saying more. The Queen, who had read the letter, noticed the King's countenance, and, being in great fear and sorrow lest her brother should be betrayed in this manner by villains, caused secret letters to be written to her brother the King of France [containing] all the substance of that letter, and warning him to be on his guard. These letters were despatched, and as soon as the King of France had seen the contents of his sister's letters, he departed from the siege that very night. And thus craft availed, which is often of great use when force is wanting. This happened after [the feast of] St. Michael.<sup>4</sup> And later in the same summer the King of France collected an army, re-entered Flanders, and, on the same St. John's Day, one year after the battle of Courtrai, the Flemings were defeated at Mons-en-Pévele<sup>5</sup> and their leader, William de Juliers, who was brother to the Count of Juliers, was slain. After which the Count Robert [of Flanders] was released from prison under an arrangement that the three cities of Flanders which were on the frontier of France should belong to the King of France, [namely] Douai, Lille and Béthune.

At this same time Robert de Brus, Earl of Carrick, who

<sup>1</sup> *A certain lieu limite.*

<sup>2</sup> *Vox simples enherdauntz.*

<sup>3</sup> *Irrouement.*

<sup>4</sup> 29th September.

<sup>5</sup> *Mouns en Paiswer*, i.e. Mons, capital of the province of Hainault, called Mons-en-Pévele, anciently written Mons-en-Pèvre.

## The 'Scalacronica' of Sir Thomas Gray 329

retained a strong following through kinsmanship and alliance, always hoping for the establishment of his claim of succession to the realm of Scotland, on the 4th of the kalends of February in the year of grace 1306<sup>1</sup> sent his two brothers, Thomas and Neil, from Lochmaben to Dalswinton to John Comyn, begging that he would meet him [Robert] at Dumfries at the [church of the] Minorite Friars, so that they might have a conversation. Now he had plotted with his two brothers aforesaid that they should kill the said John Comyn on the way. But they were received in such a friendly manner by the said John Comyn that they could not bring themselves to do him any harm, but agreed between themselves that their brother himself might do his best. The said John Comyn, suspecting no ill, set out with the two brothers of the said Robert de Brus in order to speak with him [Robert] at Dumfries, went to the Friars [Church] where he found the said Robert, who came to meet him and led him to the high altar. The two brothers of the said Robert told him secretly—'Sir,' they said, 'he gave us such a fair reception, and with such generous gifts, and won upon us so much by his frankness, that we could by no means do him an injury.'—'See!' quoth he, 'you are right lazy: let me settle with him.'

He took the said John Comyn, and they approached the altar.

'Sir,' then spoke the said Robert de Brus to the said John Comyn, 'this land of Scotland is entirely laid in bondage to the English, through the indolence of that chieftain who suffered his right and the franchise of the realm to be lost. Choose one of two ways, either take my estates and help me to be king, or give me yours and I will help you to be the same, because you are of his blood who lost it, for I have the hope of succession through my ancestors who claimed the right and were supplanted by yours; for now is the old age of this English King.'

'Certes,' then quoth the said John Comyn, 'I shall never be false to my English seigneur, forasmuch as I am bound to him by oath and homage, in a matter which might be charged against me as treason.'

'No?' exclaimed the said Robert de Brus; 'I had different hopes of you, by the promise of yourself and your friends.'

<sup>1</sup> According to the fourteenth century calendar the year should have been 1305.

MS.

fo. 202<sup>b</sup>

You have betrayed me to the King in your letters, wherefore living thou canst not escape my will—thou shalt have thy guerdon !'

So saying, he struck him with his dagger, and the others cut him down in the middle of the church before the altar. A knight, his [Comyn's] uncle,<sup>1</sup> who was present, struck the said Robert de Brus with a sword in the breast,<sup>2</sup> but he [Bruce] being in armour, was not wounded, which uncle was slain straightway.

The said Robert caused himself to be crowned as King of Scotland at Scone on the feast of the Annunciation of Our Lady<sup>3</sup> by the Countess of Buchan, because of the absence of her son, who at that time was living at his manor of Whitwick near Leicester, to whom the duty of crowning the Kings of Scotland belonged by inheritance, in the absence of the Earl of Fife,<sup>4</sup> who at that time was in ward of the King in England. The said Countess this same year was captured by the English and taken to Berwick, and by command of King Edward of England was placed in a little wooden chamber<sup>5</sup> in a tower of the castle of Berwick with sparred sides, that all might look in from curiosity.

King Edward of England, perceiving the revolt that Robert de Brus and his adherents was making in Scotland, sent thither Aymer de Valence, Earl of Pembroke, with other barons of England and several Scottish ones, descended from the blood of John Comyn, who all set themselves against the said Robert de Brus. The said Earl of Pembroke went to the town of Perth<sup>6</sup> and remained there for a while. Robert de Brus had gathered all the force of Scotland which was on his side, and some fierce young fellows easily roused against the English, and came before the town of Perth in two great columns, offering battle to the said earl and to the English. He remained before the said town from morning until after high noon. The said Earl of Pembroke kept quite quiet until their departure, when, by advice

<sup>1</sup> Sir Robert Comyn, whom Barbour calls 'Schir Edmund.'

<sup>2</sup> *Hu pice*: apparently the same word as *pix*, which de Roquefort gives as *poitrine*, *estomac*, *pectus*.

<sup>3</sup> 25th March, whereas the coronation actually took place on 29th March, 1306.

<sup>4</sup> It was the hereditary office of the Earls of Fife. The Countess of Buchan was sister to the Earl of Fife, who at that time, like her husband, was in the English interest.

<sup>5</sup> *Meisounceaux de fust*.

<sup>6</sup> *La vile de Saint Johan*.

## The 'Scalacronica' of Sir Thomas Gray 331

of the Scottish lords who were with him in the town, friends of John Comyn and adherents of the English—the lords de Moubray, de Abernethy, de Brechin and de Gordon, with several others—he [Pembroke] marched out in two columns. Their Scottish enemy had decamped, sending their quarter-masters<sup>1</sup> to prepare a camp at Methven; they formed up as best they could and all on horseback attacked the said sortie; but the Scots were defeated. John de Haliburton caught the reins of the said Robert de Brus, and let him escape directly that he saw who it was, for he [Brus] had no coat armour, only a white shirt. Thomas Randolph, nephew of the said Robert de Brus, he who was afterwards Earl of Moray, was taken at this same battle of Methven,<sup>2</sup> and was released at the instance of Adam de Gordon, and remained English until at another time he was retaken by the Scots.<sup>3</sup>

Robert de Brus, most of his following being slain or captured at this battle of Methven, was pursued into Cantyre by the English, who invested the castle of the said country, thinking<sup>4</sup> that the said Robert was within it, but upon taking the said castle they found him not, but found there his wife, a daughter of the Earl of Ulster, and Niel his brother, and soon after the Earl of Athol was taken, who had fled from the said castle.<sup>5</sup> The said Niel, brother to the said Robert de Brus, with Alan Durward and several others, was hanged and drawn by sentence at Berwick, and the wife of the said Robert was sent to ward in England. The Earl of Athol, forasmuch as he was cousin of the King of England, [being] the son of Maud of Dover his [Edward's] aunt, was sent to London, and, because he was of the blood royal, was hanged on a gallows thirty feet higher than the others.

In the same year<sup>6</sup> the King made his son Edward, Prince of Wales, a knight at Westminster, with a great number of other noble young men of his realm, and sent him with a great force

<sup>1</sup> *Herbisours*.

<sup>2</sup> Sunday, 26th June, 1306.

<sup>3</sup> On the Water of Lyne, in 1309.

<sup>4</sup> *Quidantz*: omitted in *Maitland Club Edition*.

<sup>5</sup> *Qi de dit chastel fu fuis*, misrendered in *Maitland Club ed.*, [au] *le dit chastel*. Gray's statement is incorrect. Athol did not go to Dunaverty with the King. Bruce sent his Queen Elizabeth, his daughter Marjorie, his sister Marie, and the Countess of Buchan, under charge of his brother Niel or Nigel, and the Earl of Athol, to Kildrummie Castle in Aberdeenshire, where they were taken by the Prince of Wales in September.

<sup>6</sup> A.D. 1306.



to Scotland with all these new knights. Thomas Earl of Lancaster and Humfrey de Bohun Earl of Hereford, passing through the mountains of Scotland, invested the castle of Kildrummie and gained it, in which castle were found Christopher de Seton with his wife, the sister of Robert de Brus, who, as an English renegade, was sent to Dumfries and there hanged, drawn and decapitated, where he had before this caused to be slain a knight, appointed sheriff of a district for the King of England.<sup>1</sup> The Bishops of Glasgow and St. Andrews and the Abbot of Scone were taken in the same season and sent to ward in England.

Piers de Gaveston was accused before the King of divers crimes and vices, which rendered him unfit company for the King's son, wherefore he was exiled and outlawed.

MS.  
fo. 203<sup>b</sup> In the year of Grace 1306 King Edward having come to Dunfermline, his son Edward Prince of Wales returned from beyond the mountains, and lay with a great army at the town of Perth. Meanwhile, Robert de Brus having landed from the Isles and collected round him a mob in the defiles of Athol, sent a messenger having a safe conduct to come and treat, to arrange for a treaty of peace with the said son of the king. He came to the bridge of the town of Perth, and began negotiation in order to ascertain whether he could not find grace, which parley was reported to the King at Dunfermline on the morrow.<sup>2</sup>

He was almost mad when he heard of the negotiation and demanded:

'Who has been so bold as to attempt treating with our traitors without our knowledge?' and would not hear speak of it.

The King and his son moved to the Marches of England. Aymer de Valence remained the King's lieutenant in Scotland. Robert de Brus resumed [his] great conspiracy; he sent his two brothers Thomas and Alexander into Nithsdale and the vale of Annan to draw [to him] the hearts of the people, where they

<sup>1</sup> There seems to be some confusion here between Sir Christopher de Seton, who certainly was hanged at Dumfries, as his brother Sir Alexander was at Newcastle, and John de Seton, also hanged at Newcastle, for having captured Tibbers Castle in Dumfriesshire, and making captive Sir Richard de Siward, Sheriff of that county.

<sup>2</sup> This is an error. King Edward did not cross the Border in 1306, but remained ill in the North of England. Bruce landed at Turnberry in February or March, 1306-7, but there is no evidence to confirm Gray's statement that he attempted to open negotiations.



## The 'Scalacronica' of Sir Thomas Gray 333

were surprised by the English and captured,<sup>1</sup> and taken by command of the King to Carlisle, and there hanged, drawn and decapitated. Robert de Brus had assembled his adherents in Carrick. Hearing of this, Aymer de Valence marched against him, when the said Robert de Brus encountered the said Aymer de Valence at Loudoun, and defeated him, and pursued him to the castle of Ayr;<sup>2</sup> and on the third day [after] the said Robert de Brus defeated Rafe de Monthermer, who was called Earl of Gloucester because Joan the King's daughter and Countess of Gloucester had taken him for husband out of love [for him]. Him also he [Brus] pursued to the castle of Ayr, and there besieged him until the English army came to his rescue, which [army] reduced the said Robert de Brus to such distress<sup>3</sup> that he went afoot through the mountains, and from isle to isle, and at the same time in such plight as that occasionally he had nobody with him. For, as the chronicles of his actions testify, he came at this time to a passage between two islands all alone, and when he was in the boat with two seamen they asked him for news—whether he had heard nothing about what had become of Robert de Brus. 'Nothing whatever,' quoth he. 'Sure,' said they, 'would that we had hold of him at this moment, so that he might die by our hands!' 'And why?' enquired he. 'Because he murdered our lord John Comyn,' [said they]. They put him ashore where they had agreed to do, when he said to them: 'Good sirs, you were wishing that you had hold of Robert de Brus—behold me here if that pleases you; and were it not that you had done me the courtesy to set me across this narrow passage, you should have had your wish.' So he MS. fo. 204 went on his way, exposed to perils such as these.<sup>4</sup>

The aforesaid King Edward of England had remained at this same time exceedingly ill at Lanercost, whence he moved for change of air and to await his army which he had summoned to re-enter Scotland. Thus he arrived at Burgh-on-sands,<sup>5</sup> and died there in the month of July, in the year of grace 1307, whence he was carried and was solemnly interred at Westminster beside his ancestors after he had reigned 34 years 7 months and 11 days, and in the year of his age 68 years and 20 days.

<sup>1</sup> On the shore of Loch Ryan, 9th February, 1307.

<sup>2</sup> Battle of Loudoun Hill, May 1307.

<sup>3</sup> *Enboterent le dit Robert de Bruys a tiel meschef.*

<sup>4</sup> All this was antecedent to the Battle of Loudoun Hill.

<sup>5</sup> *Burgh sur le Sabloun.*

This King Edward had by his first wife, the daughter of the King of Castile, but one son who lived. By his second wife, sister of the King of France, he had two sons, Thomas and Edmund. Upon Thomas he bestowed the earldom of Norfolk and Suffolk, with the Marshaldom of England, which earldom and office belonged by inheritance to Roger Bigod, who, having no offspring, made the King his heir, partly for fear lest the King should do him some injury, because there had once been at Lincoln a conspiracy against him [the King] between him [Bigod] and others. To Edmund his younger son he devised in his will 4000 marks of land, to be discharged with his benison by Edward his son and heir, which heir afterwards gave to the said Edmund the earldom of Kent with part of the land bequeathed to him, but the whole of it [the bequest] was not completed before the time of the third Edward. This Edward the First after the Conquest had several daughters; one was married to the Earl of Gloucester;<sup>1</sup> another to the Duke of Brabant;<sup>2</sup> the third to the Count of Bar;<sup>3</sup> the fourth to the Count of Holland, after whose death she was married again to the Earl of Hereford;<sup>4</sup> the fifth was a nun at Amesbury.<sup>5</sup>

Innocent V. was Pope after Gregory X. for five months.<sup>6</sup> He was named Peter of Taranto: he was of the Order of Preachers and Master in Divinity. After which Innocent, Adrian V. was Pope for two months.<sup>7</sup> He had been sent by Pope Clement to England, to settle the dispute between the King and his barons. After which Adrian, John V. was Pope for eight years.<sup>8</sup> He was originally named Peter, and was a good deal more saintly before than after he attained to his dignity. He willingly promoted great scholars; he hoped for a long life, but suddenly fell from a chamber which he had built at Viterbo and died.

<sup>1</sup> Joan, second daughter, afterwards married Sir Ralph de Monthermer.

<sup>2</sup> Margaret, third daughter.

<sup>3</sup> Eleanor, eldest daughter, married 1st King Alphonso of Aragon.

<sup>4</sup> Elizabeth, the fifth daughter.

<sup>5</sup> Mary, fourth daughter.

<sup>6</sup> A.D. 1276.

<sup>7</sup> For 36 days only.

<sup>8</sup> This ought to read; John XX. or XXI. was Pope for eight months, not years. There were four Popes elected successively in 1276, one of whom, Vice-dominus, not mentioned by Gray, died next day. The unsaintly character of John XX. or XXI., commented on by Gray, consisted in nothing more than a love of learning.

## The 'Scalacronica' of Sir Thomas Gray 335

After which John II. [*sic*], John III. was Pope for three years.<sup>1</sup> After which John, Nicholas was Pope,<sup>2</sup> who ordained Robert de Kilwardby as Cardinal, and Friar John de Peckham, of the Order of Minorites and Master of Divinity as Archbishop of Canterbury. After which Nicholas III., Honorius IV. was Pope for seven years.<sup>3</sup> He changed the costume of the Carmelite Friars, which hitherto had been *pale*.<sup>4</sup>

After which Honorius IV., Nicholas IV. was pope for six years.<sup>5</sup> He was of the Order of Minorite Friars; he declared<sup>6</sup> the rule of the Minorite Friars. In his time there befel in England, on the eve of Saint Margaret,<sup>7</sup> such a storm of winter thunder as destroyed the crops, whence came such a time of dearth as lasted almost throughout the life of Edward the First after the Conquest. At this time the taxation of the churches was changed to a higher rate. Celestine V. was pope for three years after Nicholas.<sup>8</sup> This Celestine was a poor hermit in the desert near Rome, simple in manner, neither learned, nor wise, nor distinguished. A certain cardinal, who desired to govern the Court, or to become pope, yet feared that the College would not elect him, made a pretence, and, after the death of the said Pope Nicholas, told his brother cardinals at the election to the Papacy, that a voice had come to him three times in a vision that they should elect as pope this simple hermit, whose promise he had that he would do nothing without him. The others, believing this to be the inspiration of God, elected him [the hermit] as pope; who knew not how to conduct his estate, whereby the Court fell into great confusion, and they themselves also.<sup>9</sup>

The aforesaid cardinal, who was afterwards named Boniface, allowed him to play the fool, and would not interfere [to maintain] good government, until affairs were in such a mess that

<sup>1</sup> An error: Nicholas III. succeeded John XX. or XXI.

<sup>2</sup> 1277-1288.

<sup>3</sup> 1285-88. Gray reckons him as Pope during the papacy of the French Martin IV., 1280-85.

<sup>4</sup> Meaning obscure. The Carmelites, or White Friars, always were distinguished by white robes. *Pale* is also an old term for 'cloth.'

<sup>5</sup> 1288-1292.

<sup>6</sup> *Declara.*

<sup>7</sup> 19th July, old style, equal to 30th July, new style.

<sup>8</sup> The see was vacant two years and three months after the death of Nicholas in 1292.

<sup>9</sup> *Et ly meismes ensaule*: misprinted *ensaule* in *Maitland Club Edit.* = *ensemble*.

they were past mending, and then he advised him [Celestine] and compelled him to resign the dignity in his favour, undertaking to provide for his honourable maintenance, to which he consented. The College [also] consented in their folly; elected the other and called him Boniface;<sup>1</sup> who, from the moment he entered into his dignity, took no care for Celestine, but allowed him to return to his former condition, to his wretched hermitage. Which Celestine, as soon as he perceived that he had been cheated, prophesied of Boniface his successor: 'Thou camest in like a fox: thou shalt reign like a lion, and die like a dog.'

Which thing came to pass, for the said Boniface reigned arrogantly; deposed cardinals of the most powerful house in Rome, the family of Colonna, and vehemently opposed the King of France. Wherefore, allying themselves, they seized the said pope and led him out of Rome, with his face turned MS.  
fo. 205 to his horse's tail, to a castle in the neighbourhood, where he perished of hunger.<sup>2</sup>

After which Boniface, Benedict III. of the Order of Preachers, was pope for one year,<sup>3</sup> of whom a certain ribald wit said in Latin:

'A re nomen habe—benedic, benefac, benedicte;  
Aut rem perverte—maledic, malefac, maledicte.'<sup>4</sup>

Antony de Beck, Bishop of Durham, was constituted Patriarch of Jerusalem, but never entered upon the Patriarchy, but insisted upon living as a noble in his own country.

Clement V. was pope after Benedict for twelve years.<sup>5</sup> He became enormously rich in treasure, purchased extensive lands, caused great castles to be built, and removed the Court from Rome [to Avignon]. In his time the Templars were dissolved. He caused certain of the decretals, of which he himself was the author, to be revoked, which John, his successor, renewed.

This John II. [*sic*] was pope after Clement, for more than twenty years,<sup>6</sup> and was a great scholar in Greek, Hebrew, and Latin. He caused great treasure to be amassed, and waged great wars

<sup>1</sup> 1294-1303.

<sup>2</sup> The town's people rescued him after three days' imprisonment, but he died soon after, 11th October, 1303.

<sup>3</sup> Benedict XI., 1303.

<sup>4</sup> Wrongly printed 'malefacte' in *Maitland Club Edit.*

<sup>5</sup> 1305-1314.

<sup>6</sup> John XXII., 1316-1334.

## The 'Scalacronica' of Sir Thomas Gray 337

in Lombardy. He willingly advanced great scholars; he condemned pluralities; he reserved for his Camera the first fruits after the death of the prelates; he instituted the matins of the Cross. He lived throughout the time of King Edward the Second after the Conquest, and, after him, during the time of his son, Edward III.

At the end of the reign of Edward the First after the Conquest, and at the beginning of the reign of Edward II., Henry, Count of Luxembourg, was King of Germany and Emperor,<sup>1</sup> who was valiant and chivalrous, and proved himself worthy of the dignity of his three crowns. He bestowed the realm of Bohemia upon his son John, with the King's daughter; which John conquered the said realm and took the city of Prague by assault from those who claimed the right by the other male line.

The said Emperor Henry chivalrously undertook to regain the rights of the empire in Tuscany and Lombardy; wherefore, while he lay before Brescia,<sup>2</sup> he was poisoned in receiving the body of God by his confessor, a Jacobin, who was hired by the Guelfs, who were in dire terror of his [Henry's] prowess. His physicians, who well perceived what had happened, would have saved him, but he would not cast up his Creator, saying that for fear of death he would never part with the body of God.

After his death there was great dispute about the election to the empire. The Duke of Austria had the votes of some of the electors; Louis, Duke of Bavaria, on the other hand, had the votes of the rest of the electors, by reason of which dispute <sup>MS.</sup> the aforesaid seigneurs fought with [all] their force in Swabia. <sup>fo 205<sup>b</sup></sup> The Bavarian won the victory by the aid of John, King of Bohemia. The said Bavarian assumed the dignity of emperor, and received his three crowns; but the Pope and the Court of Rome were opposed to him; wherefore, at his coronation in Rome, the senators and those of the College who dwelt at the time about the church of SS. Peter and Paul, agreed to elect a new pope, a cordelier, who had the name of Nicholas, alleging as reasons for this that the Court, which by ancient canonical constitution ought to have been at Rome, was [then] at Avignon.

This Nicholas did not persevere long in his office, but, as soon as the aforesaid emperor had returned to Bavaria, put

<sup>1</sup> 1308-1313.

<sup>2</sup> At Buonconvento, 24th Aug., 1313.



### 338 The 'Scalacronica' of Sir Thomas Gray

himself at the mercy of Pope John, who at that time dwelt at Avignon. Wherefore the Court of Rome never accepted the said Bavarian as emperor, who lived all his days under interdict. He lived a good while, but did little in deeds of arms to be recounted. He was very skilful with his hands. He bestowed the Mark of Brandenburg upon his eldest son, as the right of the empire is that such lordships are at the disposal of the emperor in default of heir male. To this same [lord] of Brandenburg he gave the duchy of Carentane and the countship of Tyrol, with the daughter and heiress of the duke. He gave to his younger son, whom he had by the eldest daughter of William, Count of Hainaw, the earldoms of Zeeland, Holland and Hainaw. Another of his sons, le Romer, by the same wife, he caused to marry the daughter and heiress of the King of Cracow. He lived very long in the time of King Edward of England, the Third after the Conquest, as will be afterwards recorded.

*(To be continued.)*



## The Ruthven of Freeland Barony.

### IX THE RETURN OF 1740<sup>1</sup>

THOSE who have carefully studied the preceding section would, I think, admit that I was absolved from the necessity of replying any further to Mr. Stevenson. I may, however, point out briefly, that as to the return of 1740, his tactics are much the same. Enveloping in a cloud of dust the fact that he cannot disprove my assertions, he ends by announcing my 'defeat.'

Let us see, Mr. Stevenson asks, what can be urged against the authority of this Return, which, by the way, he has to admit '*was in fact, though not in form the Roll of 1707*, with some additions, some omissions, and some qualifying observations,' the Lords of Session having 'deleted only those titles of the extinction of which they had legal evidence' (p. 22). Mr. Stevenson replies:

Mr. Round's argument, which comes first in logical order, is the formal objection that the Report has 'no judicial or official authority.'

Here we have Mr. Stevenson again trying to foist on to me a statement which was not mine, but, as we discover on his next page, Lord Crawford's. I cited with exact references the following passages from Lord Crawford's *Earldom of Mar*:  
. . . 'The report possesses no judicial character (II. 27).

*I have shown that the report of the Court of Session in 1740 was the work merely of one man, and has no judicial or even official authority' (II. 94).*

This is strong and definite enough, and I cannot wonder that Mr. Stevenson does not like it. Half a dozen pages are devoted to arguing that Lord Crawford was guilty of 'inadvertency and misconception,' that he 'wrote hastily,' and so forth, in the midst of which we read as usual of 'Mr. Round's next statement that the report was the work of one

<sup>1</sup> See *Scottish Historical Review*, vol. iii. p. 194.

man,' a statement which I nowhere make, and which is merely found in the quotation from Lord Crawford's work.

And at the end of it all what do we find? That my above quotation from Lord Crawford is perfectly accurate—which is all that concerns me.

And now as to Riddell. I stated in my original article, that 'Riddell had been reluctantly compelled to admit that it contains "inadvertencies and misconceptions."' Why 'reluctantly,' Mr. Stevenson enquires twice over with affected surprise? Well, I need hardly observe that anyone who is familiar with Riddell's volumes knows how fiercely he maintained the authority of the Lords of Session as 'the natural *Forum* in such matters' (p. 646), so that he was not likely to disparage their Report if he could help it.

Mr. Stevenson says that he cannot find the words 'inadvertencies and misconceptions,' and unfortunately I did not give the page reference for them. They occur where we should expect them as preceding his important paragraphs headed :

Roll since the Union inaccurate, and not properly adjusted.

Prejudicial consequences from this, and want of form in Scottish Peers instructing their right of succession.

No proper remedy enforced, or proper Peerage Roll made.

For Mr. Stevenson these headings can hardly be pleasant reading.

I will now quote from Riddell's remarks :

The House of Peers . . . ordered a reprint of the Report of the Lords of Session in 1740 . . . which, with some good remarks, contains *inadvertencies and misconceptions*, etc., etc.

There was, it must be admitted, great necessity for these steps. . . . The Roll of the Scottish Peers adopted since the Union being *inaccurate and carelessly adjusted*. . . .

Owing therefore to all titles, with the sole exception of those forfeited, being retained in the existing, or what is styled the Union Roll, *whether assumed or extinct*, although it has been altered and augmented by the insertion of others under the authority of the Lords, successfully claimed since the Union,—the *unrevised and exceptionable state and condition of that Roll*, and want of a peremptory form and due establishment of Peerage rights, upon the demise of a Peer and accession of his heir,—while farther still, the preceding measures of the House of Lords have proved *irremedial*,—it has been practicable for anyone, though a mere stranger, to answer and vote, under some *vacant* dignity, at Peerage Elections (pp. 643-5).

I hope that if Mr. Stevenson should attempt to dispose of these assertions, so fatal to his whole argument, he will at

least refrain from describing them as 'Mr. Round's statements.'

And I may add that the view that there was no proper adjustment or revision of the Union Roll in 1740 would appear to be confirmed by the statement of Lyon (Mr. Burnett) to the Lords' Committee in 1882 that 'there was no readjustment of the Union Roll' on that occasion.

#### X THE CONDUCT OF THE FAMILY

Before dealing with the subject thus headed by Mr. Stevenson, I would repeat a passage in my original paper to which he does not allude :

I must not close this essay without emphatically observing that it is not intended to cast the least blame, or to make any unfavourable reflection whatever on the conduct of the descendants of those by whom the honours were assumed (p. 186).

Having said this much, on which I there further insisted, I will now address myself to the point on which Mr. Maitland Thomson decides emphatically against me :

The accusation of *mala fides*, founded on the recorded action of the early holders of the title, is here thoroughly investigated and triumphantly refuted. Rightly or wrongly, Baroness Jean and Baroness Isabel assumed the title without hesitancy and used it without vacillation. Against the former there is nothing but the phraseology of her Testament Dative, for which she clearly could not be responsible (p. 106).

Again I call a halt, I am absolutely certain that Mr. Maitland Thomson is anxious to be strictly fair ; but he has been here not unnaturally misled by accepting as fact Mr. Stevenson's triumphant assertion. The latter writer does indeed assert that 'of the lady's vacillations, so extremely difficult to prove, only one of Mr. Round's proofs, the *third*, remains,' namely, her Testament Dative. But if Mr. Maitland Thomson will look again at Mr. Stevenson's treatise, he will find that my critic is totally unable to deny the accuracy of my *first*, namely that, twenty years after her brother's death,—

'as if,' says Riddell, 'apprehensive of the scrutiny of the Bench, she, in her petition to the Court of Session, on the 4th of November, 1721, for recording the entail, is only modestly styled *Mrs. Jean Ruthven*' (p. 168).

So writes Riddell. Is his statement correct or not ? Mr. Stevenson has to admit that *it is*. He tries, indeed, to explain it away, but the fact that he cannot decide which explanation to adopt is eloquent enough of the weakness of his case. The

fact remains that this 'Baroness,' who, in the words of Mr. Maitland Thomson, had 'assumed the title without hesitancy and used it without vacillation,' nevertheless, in so formal a document as her petition to the Court of Session twenty years after her alleged succession to the title, 'is only modestly styled *Mrs. Jean Ruthven*.' The suggestion that on this occasion 'her law-agents were probably different' [!] can only be described as desperate.

Having insisted on this amazing, and to Riddell significant fact, I hasten to add that Mr. Stevenson is quite successful in other corrections of my case here, and is welcome to his exultation thereat. He has shown *firstly* that Baroness Jean could not be responsible for her description as 'Mrs. Jean Ruthven in her Testament Dative,' as I had erroneously supposed; *secondly*, that she is not described, in a deed of assignation of 1721, as 'said Jean Ruthven,' as alleged by me; *thirdly*, that so far from waiting 'some twenty years before she assumed the title, (as Riddell and I supposed), she is styled on the contrary 'Jean, Lady Ruthven,' 10th Dec., 1702.

The second of these corrections reveals an error of which, I venture to hope, few would expect me to be guilty, for Mr. Stevenson tells us that the words are 'said *defunct*,' who is styled elsewhere in the record 'Jean, Lady Ruthven.' The explanation—I can only give it as a warning to others—is that these extracts were made by Mr. Foster's professional searcher and supplied to me through Mr. Foster. It is, I suppose, the only case in which I have ever relied on the usually employed record-agent.

To the Testament Dative I shall have to recur. As to the third and remaining point, we can now at last, thanks to Mr. Stevenson, put together the *facts* as to Jean's use of the title. David, Lord Ruthven, died, Mr. Stevenson tells us (p. 57) in April, 1701. His sister and heir of entail, Jean—

(1) 'is styled *Jean, Lady Ruthven*' in a notarial instrument of sasine and a bond, 10th Dec., 1702 (p. 57);

(2) is made executor dative to her brother, 4th Jan., 1703 (*sic*) 'under the title of "*Mrs. Jean Ruthven*"' (p. 60);

(3) 'styles herself' *Jean, Lady Ruthven* in a discharge of an annual rent, 12th Nov., 1709 (p. 57); is also so styled in an instrument of sasine, 26th Jan., 1712 (*sic*); is also so styled when served heir to her brother in the Sheriff Court of Perth, 9th Sept., 1721 (p. 58);

## The Ruthven of Freeland Barony 343

(4) petitions the Court of Session, 4th Nov., 1721 (*i.e.* after being so served) as *Mrs. Jean Ruthven*.

This is how she 'used' the title 'without vacillation,' in Mr. Maitland Thomson's words.

The most important evidence in favour of Jean's right is, I gather, her service; for Mr. Stevenson is good enough to say of me that

The suggestion is ridiculous that a person in Scotland might assume what designation he chose in such a process whether he was entitled to it in law or courtesy or in neither. The proceedings, unless in a competition of heirs, were *ex parte*, but they were conducted publicly and formally, and the members of the jury were by statute personally liable for their error.

Surely Mr. Stevenson cannot be ignorant that twelve years later George Durie of Grange, whose assumption of the Rutherford title and voting in right of it (1733) he does not attempt to defend, was served 'heir of line, entail, and of provision' of Andrew, Earl of Teviot, as '*George, Lord Rutherford*,' 1st Nov., 1733,<sup>1</sup> in spite of the fierce contest for that title. Surely he knows that the Colville of Ochiltree claimant, denounced on all hands, obtained in 1784 a retour finding that he was first cousin and heir-male of Robert, the third Lord Colville of Ochiltree, although such finding was afterwards proved, in 1788, to have been wholly without foundation.<sup>2</sup> Need I adduce further instances?

So much for this vaunted evidence and for my 'ridiculous' attempt to minimise it.

Jean was succeeded in the family estates, under her brother's entail, by her nephew, Sir William Cunyngham, in April, 1722. As to him there is no question. It is admitted that—as was stated in my original article—he, 'though now both heir of line and of tailzie, *made no attempt to assume the title*' (p. 169). Mr. Stevenson writes that he

succeeded his aunt Jean Ruthven in April, 1722, under the entail of his uncle David, and assumed the surname of Ruthven. *Whether he succeeded to the peerage as well is not known.*<sup>3</sup> He certainly did not assume the title (p. 4).

To this we may now add that he gave up his aunt's testament dative as that, not of 'Jean, Lady Ruthven,' but of 'Mrs. Jean Ruthven.'

To account for the facts Mr. Maitland Thomson suggests

<sup>1</sup> Riddell, *op. cit.* p. 902.

<sup>2</sup> Robertson's *Peerage Proceedings*, pp. 459 *et seq.*

<sup>3</sup> The italics are mine.



a theory which I shall discuss, but for the present I will only note Mr. Stevenson's admission here that it was possible to succeed and assume the surname of Ruthven under the entail without succeeding to the peerage.

Beyond the fact that Sir William only survived his succession six months, I cannot find any explanation vouchsafed of his failure to assume the title, which was promptly assumed by his immediate predecessor and successor.<sup>1</sup> Mr. Stevenson writes :

Sir William Cunynghame succeeded in April, 1722, to the entailed estates. According to the unknown terms of the patent he did or did not succeed to the title and honour at the same time. But Mr. Round assumes (1) that if the title existed it was Sir William's . . .

How unwarranted the first of Mr. Round's assumptions is, I have already shown (p. 63).

He has not even attempted to show anything of the kind. The defenders of this assumption have all been agreed that, whatever the limitation was in the patent, Sir William must have inherited under it, for he was heir of line as well as heir of tailzie.

Mr. Stevenson asserts that I 'must at any rate have been aware of the case of Somerville' among 'more notable omissions to assume honours.' Surely he cannot be ignorant that the failure to assume that title was due to a doubt whether it should descend to the heir male or the heirs of line, and that when this doubt was removed by a single person becoming heir in both capacities, he successfully claimed the peerage. And thus this instance tells against, rather than for, Mr. Stevenson.

With regard to Sir William's successor in the entailed estates, Isobel, wife of Colonel James Johnston, she, as Lady Ruthven, gave up the will of her predecessor as that of 'Sir William Ruthven *alias* Cunyngham.' I desire to draw special attention to what Mr. Maitland Thomson asserts of the two 'Baronesses':

Rightly or wrongly, Baroness Jean and Baroness Isobel assumed the title without hesitancy, and used it without vacillation. Against the former there is nothing but the phraseology of her Testament Dative, for which she clearly could not be responsible; against the former [? latter] only a series of unverified quotations, which proved to be misquotations, of the Commissariat Records (p. 106).

Mr. Maitland Thomson, who bases on this a verdict here

<sup>1</sup> His aunt, Mr. Stevenson insists, had assumed the title many years before she was served heir to her uncle in the Ruthven estates.



## The Ruthven of Freeland Barony 345

against me, is (as I have already said) anxious, I am sure, to be fair; but we have seen how he was misled by Mr. Stevenson's song of triumph into supposing that Baroness Jean's petition to the Court of Session as 'Mrs. Jean Ruthven' had been somehow got rid of, although Mr. Stevenson could not, as a fact, deny this evidence.

We now find that he has been similarly misled by Mr. Stevenson's boast that the case, so far as Isobel is concerned, 'has, in its turn, broken down at the touch.' For, among my 'misquotations' from the Commissariat Records, I alleged that 'more than three years' after assuming the title 'she gave up under the humble style of "*Mrs. Isabel Ruthven*" the "additional inventory of her aunt"' (p. 169). Is this the fact or not? Mr. Stevenson has to admit that *it is*, although the fact is smothered in his attempts at explaining it (pp. 67-8). 'It may have been,' is one of these, 'that the Ruthven family lawyers were old-fashioned.' Is that why they would not risk styling their employer a Peeress?

'Of James, Lord Ruthven,' Isabel's son and heir, I may repeat, from my original article, that he gave up his aunt's Testament Dative (see my quotation there from the Commissariat Records), 'not as James, Lord Ruthven, but as "James Ruthven of Ruthven, Esquire," and was served heir (in special) to his uncle<sup>1</sup> David three months later (9th Dec., 1732) under the same humble designation' (p. 170). As he cannot deny these facts, Mr. Stevenson boldly writes:

It will be observed that where, rightly or wrongly, he preserves his 'humble designation' of James Ruthven of Ruthven in his appointment as executor on his mother's estate, and in his service as heir-special to his grand uncle David, he is but following a general custom of former members of his family (p. 69).

'Former members of his family!' Why, his mother had given up her predecessor's Testament Dative under the peerage style of 'Lady Ruthven,' and her aunt Jean had been served heir in special to her brother David as 'Lady Ruthven' only twelve years before James was served heir to him as a plain Esquire! Nay, Mr. Stevenson rebuked my ignorance for not attaching sufficient importance to the formal recognition by that service of Jean's right to the title. And yet he dwells at great length (pp. 69-71) on the learning and the special know-

<sup>1</sup>This is a slip of mine for *great*-uncle, as my chart pedigree shows.

ledge of the jurors responsible for the service of James (Johnston) Ruthven as a plain commoner.

Need I pursue his contradictions further?

#### XI WHAT WAS THE LIMITATION?

In spite of his assumed confidence, in spite of his peans of triumph, we find that Mr. Stevenson, from the very outset, is conscious of the fatal flaw in the hopeless case he has espoused. Again and again have I challenged my opponents to agree upon any conceivable limitation consistent with the known facts, if the Ruthven assumption has been valid. This, surely, is the first step, the least we have a right to expect. If, as they insist, there is no evidence as to what the limitation was, the whole range of possible limitations known to the peerage law of Scotland is at their disposal to select from; they have only to choose the one which suits them best.

And yet so keen is their consciousness that no conceivable limitation can be made to serve their purpose, that nothing can induce them to adopt one.

Mr. Stevenson must be well aware of the stress I lay upon this point, for on it in my original article (1884) I insisted in italic type and at exceptional length. Indeed, my difficulty is, as I explained at the outset, that though my argument remains unanswered, I cannot expect that this *Review* will reprint it *in extenso*.

The earliest attempt to justify the assumption was that of Douglas (1764), who, after observing that 'James . . . had voted as a peer at several elections,' cautiously guards himself by the saving clause:

'If (*sic*) the honours were to the heirs general of the patentee's body, this lord's title to the peerage is indisputable.'

Yes, but if the honours *were* so limited, then their assumption by Baroness Jean, who was *not* such heir general, was unwarranted, or, if my critics insist upon the term, 'fraudulent.'<sup>1</sup> Nevertheless, this guarded suggestion—of which Mr. Maitland Thomson writes:

'Douglas, our still un superseded standard authority, . . . expresses himself with a reserve perhaps not less significant than the denunciations of the free lances—'

'developed into a comfortable, though absolutely unfounded

<sup>1</sup> The word is not mine.

<sup>2</sup> *Scot. Hist. Rev.* iii. 104.

## The Ruthven of Freeland Barony 347

hypothesis.<sup>1</sup> There lies before me Burke's *Peerage* for 1823, which thus carefully states the ground on which the title was borne :

'The patent containing the precise specification of the honours of the house of Ruthven was unfortunately consumed with the mansion of Freeland on the 15th March, 1750 ; but it is understood, and so acted upon, that the reversion was to heirs male and female of the patentee's body' (p. 660).

This, surely, is definite enough. It would be really interesting to know what Mr. Stevenson makes of this statement, which must have received the sanction of the family. For he knows that this view of the patent had not been 'so acted upon'; he knows that, in the words of Mr. Maitland Thomson, 'Baroness Jean . . . assumed the title without hesitancy' *to the exclusion* of the heir general; and indeed he himself insists upon the fact. How will he escape from the horns of his dilemma? Will he suggest that the family themselves had never heard of 'Baroness Jean,' their own predecessor not only in the title, but also in the family estate?

It is quite possible that he may. For he is indignant at my suggestion that her most inconvenient existence was suppressed in order to present a consistent theory of the assumption. Suppressed, however, it certainly was, not only in the work of Douglas, who, in Riddell's words, 'very blameably represents things in such a manner as to lead anyone to believe that, upon the death of David in 1701, Isabel had succeeded as heir-general' (p. 140),<sup>2</sup> but again in Wood's *Douglas*,<sup>3</sup> and finally in Burke's *Peerage*. In this last publication Baroness Jean (and, of course, Sir William Cunyngham) continued to be comfortably ignored down to 1883 inclusive, in which year we were still informed that 'David, 2nd baron, . . . died without issue in 1701, when the barony devolved upon his niece, the Hon. Isabella Ruthven, as 1st Baroness.' Mr. Stevenson, who attaches so much importance to the sanction given by time, should note the persistence of this version for some hundred and twenty years, and the eventual acceptance as undoubted fact of what was at first but a tentative guess. The parallel is instructive.

But the pleasantly consistent tale was now rudely shattered, for by this time Mr. Joseph Foster had unearthed 'Baroness

<sup>1</sup> P. 170 of my article.

<sup>2</sup> The words are 'Isabel Baroness Ruthven, who succeeded her uncle David.'

<sup>3</sup> 'Supposed to be to heirs-general, as *an heir-general succeeded in 1701*' (II. 686).

Jean,' to say nothing of Sir William Cunyngham. A totally different story had now to be presented to the public, and in 1884 a rapidly evolved new version made its appearance in Burke. We thenceforth read of the 2nd lord that

Dying unmarried, 1701, he was succeeded by his youngest sister Jean, who as Baroness Ruthven made up her titles to the estates, and whose right to the peerage was unchallenged in her lifetime. She d. unm. 1722, and the next holder of the title was her niece, Isabel, Baroness Ruthven.

Overboard went the standing assertion that the family had 'acted upon' the understanding that the limitation was to heirs of line; and what is the understanding now? What does the family assert? What do their champions believe? No one can tell us; no one knows.

All that is certain is that the defence has now been forced to abandon its own avowed position and has not dared to adopt definitely any other in its place. To establish this we have only to compare the definite assertion as to the terms of the patent which was formerly made in Burke with that which has replaced it in that publication since the sudden change of front in 1883-4. We now read of the patent of creation that

'It is said to have perished 14th March, 1750, when Freeland House was burned. Collateral proofs<sup>1</sup> exist that heirs-female were not excluded[!] and there are grounds for surmising that a power of nomination in some shape was conferred in it.'

I can but quote from my original article (1884) the comment on this mist of words:

'Now, what does all this mean? Simply that the defenders of the assumption find that no one limitation will serve their turn, and that they are compelled to uphold the two alternately, just as suits their purpose,' (p. 176).

For, observe, the question must be faced; was Baroness Jean entitled to the dignity she assumed? or was she not? Yes or no? 'Burke,' it is true, now asserts definitely enough, it seems, that she 's. her brother in the title,' which implies that it was limited to heirs of tailzie not to heirs of line. But immediately afterwards we read of her niece Isabel:

'to whom (as being heir of line as well as of nomination or entail) any doubts suggested regarding her aunt's status have no application.'

But we catch the acrobat in the act of vaulting from steed to steed. If the assumption by Baroness Jean as heir 'of nomination' was valid, what need had Isabel to be heir of line

<sup>1</sup> These proofs, a footnote explains, are simply the retention of the title of the Union Roll, the votes in respect of it, etc.

as well? And if Isabel's right depended on her being 'heir of line,' Baroness Jean assumed the title to the exclusion of the heir of line without any ground whatever. For Mr. Maitland Thomson's suggestion will not avail here; whatever view she may have taken of the terms of the patent she must at least have known that she was not the heir of line.

The importance I attach to the version in 'Burke' is due to the fact that it is the most authoritative, as it must have been submitted to the family. It is also an *ex parte* statement making out for the defence the best case it can. And what does it admit? Why, that if Jean's right was doubtful, Isabel's at least was clear. Jean's right doubtful? Why, if the argument means anything, it means that she had no right at all. And yet Mr. Stevenson is wild with indignation at my daring to hold such a view.

And note further that the first of Burke's 'collateral proofs . . . that heirs-female were not excluded,' is the retention of the title on the Union Roll, although at the very time of its compilation the title was assumed by one who was not the heir-female (by which vague term is meant the heir of line), and who, indeed, excluded such heir!

And, further; how does the fact that 'Baroness Isabel' was heir of line as well as of entail make her right clear even if her aunt's was doubtful? There is no more evidence that the dignity was limited to heirs of line than there is for the 'surmise' that a power of nomination 'in some shape' had been conferred. The 'collateral proofs,' as they are quaintly styled in 'Burke,' resolve themselves, we find, into recognitions of the dignity's existence. But, as Mr. Stevenson insists, Jean's right to it was recognised; Jean was summoned to the crowning of the king. And yet she was not the heir of line. If such recognition does not avail, as 'Burke' implies that it does not, to prove her undoubted right, how can it constitute such proof in the case of Isabel? And what other proof is there?

The truth is, that there is one theory, and one alone, on which the assumption of this title can be consistently justified. But it involves, unluckily, not only the abandonment but the absolute repudiation of that understanding upon which we were assured the family had acted when assuming it. For this theory—which, indeed, does but raise other difficulties—is that the dignity was limited, not to the heirs of line



but to those who should inherit the Freeland estate. On that hypothesis 'Baroness Jean' and all her successors in its possession were entitled to the peerage dignity.

Why, then, is this hypothesis not boldly adopted? Why does 'Burke' lean to an heirs of line limitation? Why did the paper in the *Journal of Jurisprudence*,<sup>1</sup> on which, as I showed, his new ground was based, similarly hedge and trim? Why did my opponents begin by proclaiming that 'the title was evidently destined to pass along with the estates, and did so,' only to contradict themselves by adding subsequently:

'Supposing that the right of Jean, Lady Ruthven, was questionable, no such doubt rests on the succession after her death, as all the subsequent holders were heirs of line of the original guarantee'?<sup>2</sup>

'Nay, which is more and most of all,'<sup>3</sup> why does Mr. Stevenson himself from the very outset of his case,<sup>4</sup> carefully abstain from adopting even a definite hypothesis as to what the limitation was? Let those who wish to learn what view he really holds turn to his guarded expressions on pp. 54-5. His one anxiety seems to be to avoid telling them what it is.

'Isobel and her successors may have<sup>5</sup> taken up the title as heirs of line of the patentee; but even though Douglas "admitted" it, that was not the only possible limitation by which the title reached them. The Scots law . . . is familiar with cases of honours limited to heirs of entail, and there is *no proof that entails were absent* in this case; but *something to the contrary*. There was a deed of nomination<sup>6</sup> of heirs of entail of the hereditary lands of the family.<sup>7</sup> The line of that entail coincides

<sup>1</sup> It is from collateral evidence only that we can gather what its terms were. . . . But was it simply limited to heirs of line, or did it contain, like a good many [!] other Scottish patents about its date, a power to the patentee, perhaps to his son also [!], to select an heir? Or was there an express limitation to the heir or class of heirs on whom Lord Ruthven [*i.e.* the first Lord] should entail his estates? *Be that as it may*, etc., etc.—*Journal of Jurisprudence and Scottish Law Magazine*, March, 1883.

<sup>2</sup> See p. 176 of my original article.

<sup>3</sup> From Lord Chief Justice Crewe's judgment in the Earldom of Oxford case.

<sup>4</sup> 'I propose to set forth in outline the history of the assumption of the peerage, first by the male line, and thereafter by the female line, or a line of heirs of entail, *which ever it may turn out to have been*' (p. 1).

<sup>5</sup> The italics in this and the preceding quotation are mine.

<sup>6</sup> But *not* by the patentee (*J. H. R.*).

<sup>7</sup> But only of the lands (*J. H. R.*).



to some extent certainly, and in its whole extent *possibly* with the line which the peerage has followed. . . . Either of these alternatives *may have been* in accordance with the facts. I state them merely to show that it is not possible to demand that the title, if not merely to heirs-male, shall be held to be to heirs-female merely, any more than to say that on failure of the last heir-male a title which is eventually to heirs, goes necessarily to the eldest daughter of the grantee. . . . It is thus impossible for us in the present state of our information to attribute to any of the heirs about to be named, the precise theory according to which he held himself to inherit the title.'

And thus, whether consciously or not, Mr. Stevenson knocks on the head the whole case which, we have seen, had been constructed for the defence!

The family, we were expressly told, had 'acted upon' the understanding that the title was limited to heirs of line. Then, on the opening of the cupboard doors, and the appearance of 'Baroness Jean,' we were told, as we are told still, that whether her assumption was rightful or not, the right of Isabel and her successors is clear, because they are the heirs of line. And now comes Mr. Stevenson insisting that, on the contrary, we have no right to say that the dignity was limited to heirs of line, or that Isabel and her successors assumed it upon that ground. What and whom are we to believe?

In the midst of all this contradiction, Mr. Maitland Thomson comes forward to offer a solution of his own. Others may shrink persistently from committing themselves to anything; he, at least, is not afraid.

The 'hypothesis' he adopts is this:

It has already been observed that the assumers of the title were each of them, at the time they took it, heirs of entail in possession. The conclusion to be drawn is tolerably certain,—the family belief was that the title was to go with the lands; in other words, that it was destined to the heirs of entail.<sup>1</sup>

Unfortunately, as I have shown, the family has throughout sanctioned, by its appearance in 'Burke,' the view that their rights depended on their being heirs of line.

But that is not the main difficulty involved in the above hypothesis. If I may say so, with all respect, it does not seem to have occurred to its distinguished author that my opponents would eagerly have advanced so simple a theory if they could have ventured to do so. It is because they knew

<sup>1</sup> *Scottish Historical Review*, iii. 106.

too much of the peerage law of Scotland that they have carefully refrained from doing so. Mr. Maitland Thomson oddly observes :

Mr. Round has a dictum of Riddell's to produce—a limitation to heirs of entail could only refer to entails executed before the death of the patentee.

'A dictum of Riddell's'! Why, it never occurred to him that anyone could be ignorant of the fact, or suppose the contrary. There happens to be in the group of creations to which the Ruthven patent belongs, one which contains such a power of nomination as it is surmised, we are told, may have been contained in that patent. It is the creation of the earldom of Balcarres,<sup>1</sup> with limitation to the patentee 'ejusque heredibus masculis talliae et provisionis in *ejus* infeofamentis expressis seu exprimendis.' No one, I presume, will suggest that by '*ejus*' is meant the son or any other descendant of the patentee, or that it can mean anyone but the patentee himself.

The entail of the *estates* executed by David, the second lord, is exactly parallel in its provisions with others in the case of which it was known that no peerage dignity would pass with the estates, and it is because my critics are aware that the House of Lords would not dream of accepting it as conveying the Honours that they have so carefully abstained from resting their case upon it, however tempting an escape it might offer them if only they could do so.

At the end, as at the beginning, of his treatise, Mr. Stevenson is careful to avoid adopting any conceivable limitation; on the last as on the first page we find this admission: 'It has not been any part of my undertaking to show what the terms of the unknown patent were' (p. 76). Just so; for, as I write in my original paper:

here is the gist of the whole matter. Even if we conceded to the apologists of this assumption *carte blanche* to construct for themselves an imaginary limitation to suit their requirements, *it is not in their power to construct any single hypothesis that shall be consistent with the known facts.*

... So inconsistent with itself was this assumption, so hopeless the case for its defence, that *its champions cannot, dare not suggest any one limitation that would justify it.* In vain we challenge them to take their stand on any imaginary limitation they may prefer, that we may know what we have to deal with. They dare not (pp. 175-6).

It was so in 1883; it is so in 1906. Shall we with 'Burke' and the *Journal of Jurisprudence*, rather jettison Baroness Jean than abandon a limitation to heirs of line? Or shall we

<sup>1</sup>9th Jan., 1650-1.

## The Ruthven of Freeland Barony 353

rather, with Mr. Stevenson, jettison an heirs-of-line limitation than abandon the right of Baroness Jean? Let them settle it among themselves. Perhaps in another twenty years they may be able to do so. Then it will be time to consider their case; at present they have none.

I will here only add that, as to the coronation summons, I have now ascertained that not only was Robert Mackgill summoned to the coronation of George II. as Viscount Oxenford, but also 'Jean Lady Baroness of Newark,' who had wrongfully assumed that title. Brodie, as Lyon, returned the list of peers and peeresses to the Earl Marshal 'according to the best information he could gett,' but apparently he could not ascertain even Lady Ruthven's name, for she is only returned as '—— Rutheen Ldy Rutheen.'

J. H. ROUND.

*[Mr. J. H. Stevenson was anxious that we should insert in the present Number of the 'Scottish Historical Review,' a reply to Mr. Round; but arrangements previously made rendered it unavoidable that Mr. Stevenson's paper be held over until July.]*

*Ed. S. H. R.]*

## Reviews of Books

GREGORY THE GREAT : HIS PLACE IN HISTORY AND THOUGHT. By F. Homes Dudden, B.D., Fellow of Lincoln College, Oxford. With frontispiece. 2 vols. 8vo. Vol. I. pp. xviii, 476 ; Vol. II. pp. viii, 474. London : Longmans, Green & Co. 1905. 30s. nett.

THESE two handsome and portly volumes form very much more than a mere biographical sketch of the illustrious pontiff, doctor, and theologian, of whom they treat. Had the author called his work a history of the life and times of St. Gregory, the title would not have been misapplied. And Gregory was so much the most interesting and most important personage of his time, he stands out so dominating a figure in the political, social, and religious movements of his age, that a detailed history of his life and work cannot fail to be, as Mr. Dudden's indeed is, to all intents and purposes, a history of the latter half of the sixth century. That there is room and need for such a work, more especially for English students of ecclesiastical history, does not admit of doubt ; for nothing is more remarkable than the neglect with which this period has been treated by nearly all recent English writers on theology and ecclesiastical history, who have, as a rule occupied themselves entirely either with the early councils or the Reformation, and seem to have passed over the intervening thousand years or so as hardly worth their notice.

Mr. Dudden, who is a fellow of Lincoln College, Oxford, would appear (though he does not tell us so in so many words) to have been attracted towards his task of writing St. Gregory's life by the fact that unpublished materials for such a life by a former fellow of the same college (Mr. T. H. Halcombe) are preserved in the college library, and were at his disposal for his present work. But it is clear that he has made use also of the best authorities, ancient and modern, at first hand, and with such good effect that these volumes really do present to the reader not only the best and fullest biography ever written, certainly in English, of Gregory, but also a very complete storehouse on the Gregorian age. The author anticipates unfavourable comment on the length of his volumes, which extend to nearly a thousand pages of type ; and in truth the minute and detailed description of places, especially the streets, temples, and public buildings of Rome, as they existed in the sixth century, does tend, perhaps, somewhat to weary the reader, and undoubtedly delays the action of the story of St. Gregory's life. Mr. Dudden defends himself in this regard by saying that he did not wish to presume too much on the knowledge of his readers ; but it might perhaps be said that he presumes a little too much on their ignorance, and of course there are many accessible sources from

which intelligent students of the early middle ages can, and do, derive a sufficiently accurate knowledge of the external aspect of Rome as it then was. Nevertheless Mr. Dudden's picture of the Rome of St. Gregory is in itself well and graphically drawn, and we do not recollect anywhere a more vivid description than he gives us of that wonderful period, when the Eternal City was in the very throes of transition from its old glory as the capital of a world-wide empire to the new glory of being the capital of the Universal Church; when from being the city of the Caesars it was becoming, as it was to remain for thirteen centuries, the city of the Popes.

As to the author's presentment of the great pontiff and doctor, it is certainly a striking, and we should say, on the whole, a true and a life-like one. The first two books of the work are taken up with the actual history of the saint, and with a general survey of the age in which he lived, while the third book is devoted to a detailed examination of Gregory as a theologian. The author justly claims for this latter portion that it is really the first systematic attempt which has been made by an English writer to set forth the dogmatic utterances of the fourth doctor of the Western Church. No one probably would maintain that St. Gregory was, as a theologian pure and simple, the greatest of the four; that he accomplished anything like the work done by Jerome, or that he was the founder of a great school of thought like Augustine. Yet his place in the history of Christian and Catholic theology is fully as important as theirs. He stands at the parting of the ways between the patristic and the medieval church. He is the pioneer, so to speak, of the Scholastics of the Middle Ages, the link which unites the dogmatic theology of the Fathers with the Scholastic speculations of later times. He sums up in himself the doctrinal development of Western Christianity, and in his teaching is contained, explicitly or implicitly, the whole Catholic system of succeeding centuries down to our own. If there is one fact which stands out clearly in Mr. Dudden's pages, it is that the creed of the Roman Church, as it is taught and held to-day, exists, implied or expressed, in the teaching of St. Gregory, as clearly as the supremacy and authority of the Roman Pontiff exist in the claims which he put forward and constantly maintained on behalf of the Roman See. It has been well said that the 'Appeal to the first Six Centuries,' which an Anglican Dean has proposed as a panacea to heal the dissensions, and reconcile the deep divergencies, of his distracted Church, seems absolutely amazing to anyone who knows what the chief Bishop of Christendom really did teach and believe and practise during the latter part of that period.

Mr. Dudden does full justice to Gregory's extraordinarily versatile genius, and to the many-sidedness of his character which enabled him to put forth his energies in so many directions, and to play so many parts, in the commanding position in which he found himself during the greater part of his life. Our author draws an elaborate contrast between the shrewd financier, the excellent man of business, the wise and prudent administrator of the patrimony of St. Peter on the one hand, and on the other the recluse scholar and scribe, tracing out the mystical sense of obscure passages of scripture, and laboriously compiling the fascinating series of pious stories



known as the 'Dialogues.' One is glad to see that Mr. Dudden admits, practically without question, the authenticity of a collection of writings which charmed and fascinated the world for centuries, and endeared St. Gregory's name to countless generations of readers; but it is, perhaps, permissible to point out that his view that the whole of these naïve narratives of visions, prophecies, and miracles are a mere *olla podrida* of unsupported legend, collected by a man with 'no capacity of either weighing or testing evidence,' is hardly compatible with his estimate elsewhere of St. Gregory as a critic and a scholar. Turning to another point, it is too much, perhaps, to expect that the non-Catholic biographer of a Catholic Pope should take the trouble to ascertain exactly what Catholics believe to be the meaning, province, and scope of papal infallibility. Had Mr. Dudden studied, for example, the Catholic penny catechism as to this dogma, we should not find him triumphantly asserting that because Columban declined to give up at Gregory's bidding the Celtic usage of celebrating Easter, therefore he 'certainly knew nothing of the doctrine of papal infallibility.' We take leave to assure Mr. Dudden that in supposing papal infallibility to have any earthly connection with this question, he errs as fundamentally as, if less grotesquely than, the man who supposed that an infallible Pope had, or claimed, the power of predicting the winner of the Derby the year after next.

Mr. Dudden expressly disclaims the view which has been put forward by shallow and superficial students of Gregory's life and character, that in embracing the ecclesiastical state he was moved only or even mainly by ambition. It is evidently, however, our author's belief that the future Pope's choice of career was strongly influenced by the belief that the Church offered the likeliest field for the exercise of his talents. Mr. Dudden, however, seems to forget that if that had really been Gregory's chief motive, of which there is no evidence, he would certainly have elected to become a secular priest, an ecclesiastic living and working in the world, rather than a humble monk bound by the vows of religion, and leading an obscure and hidden life in his monastery on the Caelian hill. Gregory's genuine reluctance (graphically depicted in these pages) to accept the burden of the Pontificate, on the death of Pope Pelagius sixteen years later, proved how little ambition, even in the nobler sense of the word, had had to do with his original determination.

The foregoing criticisms on certain points of view which present themselves in Mr. Dudden's pages do not preclude the conclusion, which no impartial critic can withhold, that his study of one of the greatest figures in the history of Christendom is worthy of its subject, and a really valuable contribution to ecclesiastical biography. If in certain respects the author may have to some extent misunderstood the motives, or failed to do justice to the character, of his hero, it is assuredly not from want of appreciation of the transcendent qualities which distinguished him. The perusal of these interesting volumes can only strengthen and confirm the reader in the truth of Mr. Dudden's closing estimate; and with him we may all 'gratefully reverence the name of Gregory, as that not only of a great man, but also of a great saint.'

D. O. HUNTER-BLAIR, O.S.B.



HOW TO COLLECT BOOKS. By J. Herbert Slater. Pp. xii, 205. Post 8vo. London: George Bell & Sons, 1905. 6s. net.

FOR the past eighteen years book-collectors have been indebted to Mr. Slater for his admirable and useful *Book Prices Current*. It was only natural that they should expect from his pen a serviceable work on book-collecting. This expectation has not been realised. A really good book on this subject has yet to be written.

It is only fair to say that criticism is disarmed to some extent, for the author in his preface writes: 'All that can be done within the limits of a single volume, dealing as this does with a variety of subjects, is to touch the fringe of each.' It is rather hard to say why some of the subjects of which he has touched the fringe have been introduced at all in such a work.

Mr. Slater begins his book with 'Hints to beginners,' dealing with generalities, most of which he repeats later on. This is followed by 'some practical hints,' in which the author should have warned the beginner that old books of folio size were invariably gathered to form quires of 4, 6, 8, or more leaves. The statement 'that there must necessarily be between each "signature" . . . two leaves . . . in every folio' is certainly not in accordance with facts. One would naturally have looked for guidance in collating books 'without any marks' by the quires, such as Mr. E. Gordon Duff gives in his *Early Printed Books*, pp. 208-210, but possibly Mr. Slater considered this method too advanced for the class of reader for whom he writes. His directions for removing stains by means of oxalide acid and chloride of lime should be carefully avoided by all who have any respect for an old book and desire its preservation.

Manuscripts, block-books, incunabula, such as the Mazarin Bible, Pfister's Bible, the Psalter of 1457, the earliest books from the presses of Sweynheym and Parnartz, Caxton, and the Schoolmaster of St. Albans, and metal and ivory bindings, all these have space allotted to them which might have been more profitably employed in an elementary work on book-collecting. Little can be said in commendation of this section of the book. It contains statements which one hoped would not again appear in a bibliographical work. Take, for example, the following: 'There is a great question whether a press was not established at Oxford in 1468.' This date is indefensible on Mr. Slater's own showing. In a previous chapter he informs us that printed signatures were first used in printed books by Antonius Zarotus, in Milan, about the year 1470. This assertion is probably based on the will-o'-the-wisp Terence of March 13, 1470, which has never been examined by any competent bibliographer, and is believed to be a copy of the edition of March 13, 1481, in which the last two numerals of the date xi have been erased. But allowing the second date which he names for the introduction of printed signatures, viz. 1472, it is strange that he did not warn his readers that the Oxford 'Expositio sancti Hieronimi in symbolum apostolorum' has printed signatures, and that,

as Mr. Gordon Duff remarks, 'copies of this book have been found bound up in the original binding with books of 1478.'

The chapter on 'Great Collectors' deals chiefly with French private libraries of a by-gone age. No mention is made of the Duc d'Aumale, whose magnificent collection is now at the service of scholars. English collectors do not include the name of the Earl of Crawford. Although reduced by ten days' sale in 1887 and four days' sale in 1889, not to speak of the sale of the manuscripts at a later date, the Earl of Crawford's is believed to be still the largest private library in England.

In the two concluding chapters Mr. Slater is on ground with which he is more familiar. That on 'Auction Sales' contains some sound advice, and a useful list of the greatest book sales since the beginning of the nineteenth century. The chapter on 'Early Editions and Strange Books' deals with classes of books more likely to find their way into the library of the young collector than manuscripts, block-books, Mazarin Bibles, and bindings in the 'Byzantine style.'

J. P. EDMOND.

THE AGE OF TRANSITION. By F. J. Snell, M.A. 2 vols. 1400-1450. Vol. 1, THE POETS; Vol. 2, THE DRAMATISTS AND PROSE WRITERS. Vol. 1, pp. vi, 226; Vol. 2, pp. xxix, 167. Cr. 8vo. London: George Bell & Sons. 1905. 3s. 6d. nett each.

IT is not perhaps the function of histories of literature to inspire their readers, their office is to create respect for its dimensions and its wildness of detail. Certainly Mr. Snell's volumes cannot be accurately described as 'the adventures of a soul among masterpieces.' Nor though he moves through an age of mighty preparations does he permit himself to think of it as anywhere an age of achievements. Mr. Snell denies himself the transports of the discoverer; we have from him no revised judgments nor any exhilarating panegyrics on men hitherto but meagrely appreciated. He tells his story with sobriety, and at least we owe him gratitude for the absence of any strained or affected estimates. And if we say that he has carried through his task in a workmanlike fashion, that may be the sentence he anticipated and most of all desired. He writes of an *interregnum*, a period when there was no king in Israel, between the reigns of Chaucer and of Spenser, and argues that it was not an age of poetical excitement. Adapting Cicero, he tells us *inter arma silent musae*, 'and if we use the term *arma* in the widest sense, so as to include every variety of conflict, not only military and material, but intellectual and spiritual, the adaptation of Cicero's saying is eminently applicable to long years of profound outer and inner revolution.' There is here no imposing array of literary figures, but we would willingly have welcomed a note of enthusiasm at the mention of Wyclif, or Caxton, or Malory. We think Mr. Snell's book would have reached a higher kind of success had he suppressed insignificant facts and persons and dwelt at length upon significant things: for a book which includes among its subjects the origins of the Romantic drama, the early Reformation movement and its leaders, Renaissance influences upon English literature, and the Golden

Age of Scottish Poetry, must not be set down as traversing barren country. Such books as this cannot serve general readers, for these decline to be choked with names and dates; they cannot serve the advanced student, for the information conveyed is insufficient for his needs; theirs seems to be the lot of an undistinguished and precarious existence in the suburbs of learning, where they receive occasional visitors from the middle classes. What, for example, can a serious enquirer glean from a chapter on 'Ballads and Songs' which gives no hint of a theory of communal authorship, no reference to such authorities as Professor Child, no discussion of origins, no mention of the metrical characteristics of primitive poetry? The world of scholarship is wide, and many are the necessities of the student: far be it from us to write down Mr. Snell's work as superfluous. Within the compass permitted him he has done most of what could be done, but we suspect that he would have been vastly happier had he written *con amore*. A man may profit in discipline from such a task as he has here performed, but he cannot tell us that he enjoyed it, and we will not believe that it represents him or his powers. We wish for him a broader canvas, and we promise him a heartier appreciation of an essay projected on a nobler scale.

W. MACNEILE DIXON.

THREE CHRONICLES OF LONDON, 1189-1509. Edited from the Cotton MSS. by C. L. Kingsford. Pp. xlviii, 368. 8vo. Oxford: Clarendon Press. 1905. 10s. 6d. nett.

THE publication of three hitherto unprinted versions of the English chronicles, which were being compiled for the use of London citizens in the fifteenth century and later, is a welcome addition to historical knowledge. What are commonly called 'London' chronicles are those which head the entry of the annals of each year with the names of the chief municipal officers elected for that year, with the names of the London Mayor and Sheriffs. For want of a better criterion, this may be taken to divide the 'London' chronicles from those other continuations of the 'Brut' series (such, for instance, as that published by Mr. J. S. Davies for the Camden Society), which in other respects resemble the series edited by Mr. Kingsford. The printing of the present group of London chronicles is a step forward to the analysis of the sources used by Fabian and his successors; and the chronicles are valuable in themselves for their many life-like touches of description, adding new material to the narrative, the main features of which may be sufficiently familiar. We have been too long content with uncritical reproductions of the texts of Fabian, Hall, and Grafton, though Nicolas and Tyrrell in their *Chronicle of London* (1827), and Gairdner in the *London Chronicles*, which he issued for the Camden Society, pointed the way to more knowledge. The texts which Mr. Kingsford has edited with every care, with glossary, notes, and an elaborate and useful index, are even more serviceable than these fore-runners. Similar to them in scope and method, they are often independent sources of considerable interest, sometimes for the history of London in

### 360 Kingsford: Three Chronicles of London

particular, sometimes for the general history of England. The Scottish materials are inconsiderable. A Londoner's feelings towards the Earl of Angus and his countrymen (1516) find vent in the entry, 'The said yerle, lyke unto the nature of his cuntre, went howme agen into Schotland, takyng no love.' Scottish disaster on different occasions called forth the comment:

'In the croke of the mone went they thedirward,  
And in the wilde wanyng went thei homeward.'

A few outbursts of versification in the chronicle are obscured by being printed as prose.

It is to be hoped that Dr. Brie's researches into the sources of the English versions of the Brut will carry the enquiry begun by Mr. Kingsford a stage further in tracking the sources of the portions of chronicle which these London writers have in common. It is unfortunate that the interesting London chronicle now at Trinity College, Dublin, very similar in quality but different in detail as regards the reign of Henry VI., has not been included side by side with these Cottonian MSS.; probably a good deal more MS. material awaits examination before we can know all that there is to know of the London school of chronicle. A version of part of the *Annales Londonenses*, which Stubbs printed from a modern transcript, reposes in the Corpus Christi College Library, Cambridge, and deserves at least collation with the printed text. A small selection of entries in these *Annales* forms part of the common groundwork used in all the fifteenth century chronicles to fill up the annals of times long past: the writer's interest is concentrated on the times with which he was contemporary, and what he palms off as an epitome of the historical facts of earlier ages is for the most part an absurd list of useless memoranda.

Students of language will find here much of value. The verses of Lydgate written for the pageant in 1432 are carefully re-edited by Mr. Kingsford from these texts: he has omitted to notice that besides Nicolas's text, we have the version in *Cleop.* civ. edited by Halliwell for the Percy Society.

MARY BATESON.

THE MATRICULATION ROLL OF THE UNIVERSITY OF ST. ANDREWS, 1747-1897. Edited, with Introduction and Index, by James Maitland Anderson, Librarian to the University. Pp. lxxxix, 455. Dy. 8vo. Edinburgh: Blackwood & Sons, 1905. 18s. nett.

It is gratifying to see that the oldest of our Scottish universities has at last made a beginning in the way of publishing its matriculation rolls. The present volume deals with the latest of the three periods into which the history of the University can be divided. It embraces the years from 1747, the date at which the two ancient colleges of St. Salvator and St. Leonard were united, till the final incorporation of an entirely new one in 1897. Mr. Anderson in his introduction takes up the story of the University in 1747, and tells it with admirable succinctness down to modern times. There is much interesting information in it: it will

surprise many, for instance, to learn that while the election of a Rector was formally placed in the hands of the students by the Universities Act of 1858, they actually did elect an 'extraneous' rector in that very year before the passing of the Act, and the election was held to be valid notwithstanding that two previous attempts, one so early as 1825 when Sir Walter Scott was elected, had ended in failure, the *Senatus* holding that only four persons were eligible to be nominated for the office, viz., the Principals of the United College and St. Mary's, the Professor of Divinity and the Professor of Church History. The story of the uniting of the two colleges of St. Salvator and St. Leonard forms interesting reading. The University could not at the time really afford to keep up the two colleges, but it is curious that when it became necessary to decide which of the two was to be the home of the United College, the choice fell upon St. Salvator, the most ruinous and dilapidated. Up to 1829 about £5500 were expended on the buildings and repair of the College, but even then its condition was far from satisfactory. The immediately succeeding years were spent in struggling with the Government for money to secure better accommodation, and it was not till 1851 that, partly by Government grants and partly by private effort, the present buildings of the College were ultimately completed. St. Mary's College underwent very much the same experience so far as building was concerned: it was in a miserable state in 1827, but re-building and improvements have gone on from that date till 1890.

The matriculation roll itself is of much interest; and it is evident that the editor has spent a great deal of time and care in analysing it. Down to 1829 the method of matriculation was that noblemen's sons matriculated first as Primers; then followed Secondars or gentlemen-commoners; and to these succeeded the Ternars or ordinary folks: in more ancient days (though there is one example of it in this volume) the Luminator of a class matriculated last: his duty was to furnish fire and light to his class in return for certain perquisites and privileges. The attempts of the students, who entered their own names in the roll, to give not only their names but the places of their origin in Latin, are sometimes productive of curious results. *Perthensis* and *Fifensis* are easy enough, but when it became necessary to latinize Lanarkshire, the Isle of Skye and Boulogne, the invention of the ingenuous youth failed them.

While welcoming this volume with all cordiality, it is a pity that the University did not put its best foot foremost and give us the earliest and not the latest rolls first. Gwendolen Jones or Catherine Robertson may be most excellent girls, and may perhaps make a name for themselves in future, but in the meantime one's interest in them is but faint, and the fact that they or similar young women (for these actual names do not occur) matriculated in St. Andrews in the year 1896 is one the announcement of which could be waited for indefinitely with equanimity. Again, it is a pity that some attempt was not made to identify a few at least out of the many names which occur in these lists. Of course to have dealt with even the majority would have cost more time and labour than it was possible to bestow on such a task. But in many instances a note could



easily have been supplied which would have been of the utmost service to future generations of investigators. For instance, it would have been simple to have added a note to the name of 'Robertus Herbert Story,' who was a student in St. Mary's in 1857, to the effect that that name now represents the Principal of the University of Glasgow. In the same year too and at the same College, the name 'Edwardus Caird' appears: future inquirers would like to know if this was the Master of Balliol: as a matter of fact we believe it was, but the information that he studied theology at St. Andrews may be looked for in vain in any modern book of reference. So few Peers' sons occur within the period embraced by this volume that it might have been worth identifying the 'Doune,' who matriculated in 1753, with the person who afterwards had a long and honourable career as Francis, eighth Earl of Moray. A few references like those suggested would have given additional value to the book. It should not, however, be taken leave of in anything but words of praise, and the old University is to be congratulated on the first step towards the completion of so important an undertaking, and the editor for the careful and accurate manner in which he has carried it out.

J. BALFOUR PAUL.

A HISTORY OF ENGLAND, IN SIX VOLUMES: General Editor, C. W. C. Oman, M.A. Vol ii. ENGLAND UNDER THE NORMANS AND ANGEVINS, 1066-1272. By H. W. C. Davis, Fellow and Tutor of Balliol College, Oxford. With 11 maps. Pp. xxii, 578. London: Methuen and Co., 1905. 10s. 6d. nett.

THIS book is the second of a series of six volumes on the History of England edited by Professor Oman, and intended to meet a demand for a standard history which will occupy a place between the dry annals of the school manual on the one hand and the laborious monographs of specialists on the other. With the vast accumulation of historical materials brought to light during the past twenty years, it is almost beyond the capacity of a single student to assimilate the new information as rapidly as it is thrown into the common stock, and few men can be found to undertake a complete history with any prospect of success. In order that the work may be done to the best advantage, the history of the nation has been divided into well-defined periods that are neither too long to be dealt with by competent scholars nor too short to force the writer into a discussion of uninteresting and unimportant details. As the volumes will be written on a definite plan, there will be uniformity in the method of treatment throughout, but it will be possible for each contributor to preserve his individuality without affecting the general continuity of the narrative. By this system of co-operation the best results may be obtained without running the danger of making the history a mere compilation like an encyclopaedia or a collection of treatises on historical subjects. There is little doubt that there is ample room for such an undertaking, and we shall be much disappointed if the present attempt to fill it does not command approval.



The section assigned to Mr. Davis embraces the epoch of Norman and Angevin, 1066-1272, with the history of which are associated the names of some of the most brilliant specialists that England has ever produced, historians like Bishop Stubbs, Mr. Freeman, Miss Norgate, Mr. J. R. Green, Professor Maitland, Mr. J. H. Round and Sir James Ramsay, to whose researches the author very properly acknowledges himself under many obligations. It is a period of sufficient complexity to tax the resources of the most skilful scholar, full of surprises and bristling with problems not always capable of convincing exposition. The Norman Conquest marks the commencement of a new era, when foreign ideas, secular and ecclesiastical, began to germinate on English soil and to mould English politics. Not that the consequences of the catastrophe are at once visible as we follow the course of events from year to year, but after the lapse of time, when we look back on the progress of national development, we begin to see that under the new conditions the nation has been in a state of transition in which the native element is gradually becoming absorbed in the upward trend of French traditions and influences. It is not, however, the ethnical question alone that appears as the most conspicuous feature of the national movement. Other forces were at work to weld together the loose aggregation of kingdoms and peoples and to give stability to England as a homogeneous state. Not the least of these was the idea of kingship which the Normans had established from the Tweed to the Channel. The unification of sovereign power in the person of the King, which disputed successions could not impair, was one of the distinctive elements instrumental in consolidating the promiscuous aspirations which governed the acts of the conquerors and the conquered. Around the prerogatives of the kingship the keenest controversies were waged. The introduction of feudalism, the King as the source of tenure and the fountain of justice, the relation of the English Crown to the English Church, the vacillation of the Bishops between national and catholic ideals, the struggles of the commonalty to share in the responsibilities of government, difficulties like these were often in evidence as the national genius for self-government was slowly crystallising into definite shape. The period with which this volume deals closes appropriately with the death of Henry III., for by that time many of the domestic troubles in Church and State had been provisionally settled.

It must be said in justice to Mr. Davis that he has spared no pains to make his narrative both interesting and trustworthy. He has brought to the task the results of wide reading and accurate scholarship. A slight acquaintance with the book will convince the student, whether he agrees with the author's conclusions or not, that he is in contact with a writer who has kept himself abreast of the latest theories on obscure points of medieval history and who is capable of handling them with an independent and discriminating judgment. It is pleasing to notice that he does not confine himself wholly to such high themes as national events and national development. He often turns aside from the discussion of the larger issues and wanders along the banks of the smaller tributaries which feed the main stream. To many persons these minor but important studies will prove of

### 364 Davis: England under the Normans

special value. When one mentions such subjects as the reforms of Henry II. in matters of finance, taxation, the Jews, the reorganisation of the Curia Regis, the forests, the towns, local justice, itinerant justice, juries, feudal jurisdictions and inquests of sheriffs at one period, and the condition of the masses of the people, intellectual revival, English scholars, lawyers, centres of learning, and the monastic movement at another, there can be little complaint on the score of scope and variety. In all the departments of art, literature, or social life, Mr. Davis traces the same manifestations of progress which he points out in the political and ecclesiastical development of the nation as a whole. It is perhaps in this abundance of detail that the critic will find the greatest occasion for cavil. But it cannot be too often insisted on that the author of a book, which covers a wide field and demands broad treatment, challenges and deserves liberal consideration.

With every disposition to act on this maxim, it must be confessed that there is one section of 'England under the Normans and Angevins' which will cause the student of northern history some disappointment. Too little attention has been given to the Scottish borderland. The omission cannot be excused on the ground of irrelevancy. The familiar commonplaces of international relations at certain periods have been expounded with adequate fulness. On the other hand, we look in vain for some account of the part borne by the Border districts in the history of the nation, or for illumination of the peculiar institutions which to a large extent withstood the advance of feudalism during the epoch under review. There are discussions on the Marches of Wales, the affairs of Gascony, and the conquest of Ireland, but we get no guidance on Border tenure, Border law, Border courts, the exemption of the Border baronage from foreign service in the national host, the freedom from scutage of cornage tenants, and other peculiarities characteristic of northern history. At one time the lawyers of Westminster disowned all knowledge of the *leges marchiarum*, but a similar unconsciousness of northern characteristics admits of no defence at the present day.

With this reservation, apart from minor details, we have nothing but admiration for Mr. Davis's performance. His style is scholarly and attractive, often eloquent, never dull. Some of his idiosyncracies are harmless, for example, when he insists on the quaint orthography of 'complection' and 'connection,' but 'ascendancy' (p. 17) must be a slip. The bibliography at the end of the book is useful, the index is good and the maps indispensable. It must also be said to the credit of the publishers that the turn out of the volume is everything that could be desired.

JAMES WILSON.

THE CAMBRIDGE MODERN HISTORY. Vol. viii. The French Revolution. Pp. xxviii, 875. Ry. 8vo. Cambridge: University Press. 1904. 16s. nett.

In point of definite years, this volume may be said to cover the very small period, 1774-1800, from the accession of Louis XVI. to the Coup

d'état of Brumaire which abolished the Directory. But the necessary preliminary chapters take us a long way back. The philosophical bases of the revolutionary movement are dealt with in a masterly article by Mr. P. F. Willert, who shows that 'the negative and destructive part' of the eighteenth century doctrine was to be found in existence at least a century before the French Revolution broke out, while 'the positive conceptions of popular sovereignty and natural rights' were in their origin older still. This volume is the most thorough study of the whole revolutionary movement which we have in the English language. It is a distinct advantage to its unity that the services of a comparatively small number of writers have been called into requisition. Twenty-five chapters have been distributed among thirteen authors. Professor Montague, of University College, London, after a useful *resumé* of the French Government of the *Ancien Régime*, narrates the history of France in four more chapters, down to the Constitution of 1791. Mr. J. R. Moreton Macdonald of Largs, in four carefully-written sections, carries on the story to the end of the Convention, and picks his way with considerable skill through the confusing and contradictory detail of those terrible four years. It is by no means always easy to follow the precise march of events, and there is a tendency to give too many names of comparatively unimportant people, but the material is intractable, and at times every moment had its importance. The French History in this volume is concluded by a singularly brilliant article by Mr. H. A. L. Fisher on Brumaire. His character sketch of Sieyès with an intelligence 'narrow, intermittent and original,' and the summary of the results of Bonaparte's act are written with a sense of style which is not found in many pages of this or any other historical work of recent date. An interesting chapter on French Law in the Age of the Revolution is contributed by Professor Paul Viollet of the École des Chartes. The review of the financial situation, both before and during the Revolution, has been entrusted to the capable pen of Mr. Henry Higgs of the Treasury. British Foreign policy before the outbreak of the Revolutionary War falls to Mr. Oscar Browning. Professor Lodge, with his accustomed lucidity, deals with the Eastern Question generally, and Poland in particular—a chapter of even more importance in the development of the revolutionary force. Mr. Dunn Pattison, like Mr. Moreton Macdonald a young writer, takes the thankless task of sketching the early Revolutionary War. With the advent of Napoleon, the services of Dr. J. H. Rose are not unnaturally called into requisition. Mr. H. W. Wilson very appropriately deals with the Naval aspects of the war, which Admiral Mahan has emphasised in his books, and last, but certainly in interest not least, comes a chapter by Mr. G. P. Gooch, who uses to the utmost the few pages at his disposal for drawing out the effect of the French Revolution on contemporary thought and literature. It will be a real boon to many students here, as elsewhere in these volumes, to see foreign and British developments treated side by side. The British public is not, it must be confessed, interested in any foreign history except of the most recent period. Hence the history of our own land

## 366 The Cambridge Modern History

is apt to assume a disproportionate importance in our minds. It is instructive to number the pages assigned to British history in Universal Histories written in foreign tongues. One great value of this Cambridge History consists in its careful allotment of space to countries and subjects, with some reference to their respective importance in the larger history of the civilised world.

DUDLEY J. MEDLEY.

KELTIC RESEARCHES: STUDIES IN THE HISTORY AND DISTRIBUTION OF THE ANCIENT GOIDELIC LANGUAGE AND PEOPLES. By E. W. B. Nicholson, M.A., Bodley's Librarian, Oxford. Pp. xx, 212. London: Henry Frowde. 1904. 21s.

MR. NICHOLSON is already known to Celtic scholars as the author of *The Vernacular Inscriptions of the Ancient Kingdom of Alban* (1896), and a gossipy book on Golspie and its folklore. In the former work he tried to read the riddle of the so-called Pictish inscriptions, with the help of a modern Gaelic grammar and dictionary, and with a result that astonished, if it did not amuse, Celtic scholars. Since then, however, Mr. Nicholson has been pursuing the study of Pictish on a wider scale over the area of Gaul and the British Isles, and his results—some of which have appeared in the form of articles in the *Athenaeum* and elsewhere—are given in the present volume. Mr. Nicholson writes with an engaging candour, which greatly disarms criticism. Thus his great study on the 'Sequanian Language' only cost him a fortnight for the first draft: he had only seen his materials—the Calendar of Coligny practically—sixteen days before the article was finished. The larger half of the work discusses the Celtic ethnology of northern Gaul and of Great Britain and Ireland; the other half is composed of appendices, dealing mainly with the language of the Coligny Calendar, discovered in 1897, and of the Rom Tablet, discovered ten years earlier, but deciphered only in 1898. The languages of the Gaulish tribes known as the Pictavi or Pictones and the Sequani thus form the main portion of the appendices. Mr. Nicholson's great discovery is that Indo-European initial *p* was preserved in these and some British languages, and this is the main contention of his book. It is needless to say that Mr. Nicholson here runs counter to the leading canon of Celtic philology—that Indo-European *p*, initial at least, was lost entirely. The claim of a Celtic language to be such has been usually tested by this rule. Thus Latin *pater* appears in Gaelic as *athair*, which stands for a Celtic *ater*. Hitherto Celtists smiled at Mr. Nicholson's attempts, and felt no inclination to take him seriously. Lately, however, Prof. Rhys astonished the Celtic world by accepting Mr. Nicholson's views on the *p* question, at least as far as the Continental Celts are concerned (see *Celtae and Galli*, a paper read before the British Academy, May 1905). The three words in the Coligny Calendar showing *p* are *Petiux*, *Poggedortonin*, and *Prinnos*. The last Prof. Rhys refers to the Indo-European stem *perna*, Irish *renim*, I sell, and considers it to mean 'market'; but there is

an equally good Celtic and Indo-European root *kren*, or *cren*, of like meaning, Welsh *prynnu*, buy. No doubt Prof. Rhys rejects this, because it would make the Calendar a Brittonic document, whereas he maintains, as does Mr. Nicholson, that the language of the Calendar is early Gaelic. The month name Equos, 'Horse' (compare Gaelic Gearran, the four weeks from 15th March to 15th April), shows Celtic *qu*, which in Gaelic becomes *c*, in Brittonic *p*. In fact, Equos does not necessarily imply a Gaelic tongue; it can be explained as a survival. The word Petiux is allowed by Prof. Rhys to be the Pictish *pet*; but the *po* of the third word is regarded as the preposition *po*, from. Irish and Gaelic *ua* or *o* is from *au*, as in Latin, *au-fero*; whence does the Professor get the *po*? Besides, might it not be the prep. *cos*, *co*, Welsh *pu* or *bu*? The Rom Tablet shows more words in *p*, especially *com-priato*, which looks as if it were from the Indo-European root *pri*, love. Both Prof. Rhys and Mr. Nicholson agree on this. The word *pura* seems borrowed, but surely we do not require to revolutionise Celtic philology for two or three *p*'s on a tablet which presents so much difficulty in decipherment. The translations offered by our two authors differ *toto caelo*; but this is not to be wondered at. The whole matter is as yet pure guesswork, dear to the heart of a solar mythologist, but scarcely yet worth serious consideration from the science of philology. What is most needed in regard to these inscriptions, be they insular or continental Pictish, is time and patience. One is sorry to see our authors bring forward again Dr. Marcellus' (circ. 400) Bordeaux Charms; but the word *prosag* (come forth) is too tempting to a believer in the possibility of Indo-European *p* surviving in Celtic to leave it in its deserved obscurity. It is also surely bad phonetics to compare Gaulish *ciallos* with Irish *ciall*; does the month name Giamon convey no lesson?

Mr. Nicholson's ethnological results are briefly these: the Belgae were a *p*-preserving Gaelic people; they overran Britain and formed the Firbolg colony of Ireland. The other two leading Irish tribes were the Fir Galeon or Irish Picts, and the Fir Domnan or Dumnonii or Devonians. They all spoke early Gaelic. The Scots do not appear on the map at all, and are only incidentally mentioned as coming from Spain! Where the Cymry, or predecessors of the modern Welsh come in, one hardly knows. Both Cymry and Scots—in real fact the leading tribal names—appear to have no place in Mr. Nicholson's scheme. He agrees with Skene in wiping out the Dalriad Scots in 741; he forgets Aed Finn (747-777), his laws and victories; and the ultimate name of the combined nation—Scot and Scotland—receives no explanation save that the Highlanders do not call themselves Scots, but Albanaich. In this Mr. Nicholson is mistaken, the Highlanders call themselves still—as they always did—Gàidheil. Like Skene, he does not believe in the old Gaelic Annals, where the Picts are represented as being overthrown by the Scots. But really a study of these same Annals and of the verification of them by subsequent facts ought to convince Mr. Nicholson that a huge error has been committed by Pinkerton and Skene in rejecting them. Modern Celtic scholars are very conservative on this and other points in regard to the Annals, which were treated very



cavalierly by Skene whenever they did not agree with his theories. He treated the various clan histories and genealogies in a similar fashion with consequent confusion.

Mr. Nicholson's numerous derivations invite criticism, but only one or two can be noticed. On the idea that Pictish preserved Indo-European *p*, he conjoins Pictish *pett* (the Coligny *petiux*), farm, with Gaelic *àit*, place! This last he finds in many Pictish inscriptions. Now curiously *àit* is never used in any Gaelic place name. This may be news to the non-Gaelic etymologist of place names. The Pictish inscriptions anyway were no doubt the work of the South Ireland clergy introduced into Pictland over the Easter question. Ogam inscriptions were invented in South Ireland, and spread thence to Cornwall, Wales, and Pictland. The name Argyle comes from old Gaelic Airer or Oirer Gaidheal, the 'Coastland of the Gael,' and surely the Latin Ergadia is a 'ghost' name founded thereon. Mr. Nicholson does not require to derive it from *àirghe* or *àirigh*, a shieling; the initial vowels will not suit. Still less does Airchartdan (Urquhart) come from the same word. The initial *air* is the preposition, which is common in the place names of the district (Ur-ray, Ur-chany, Er-cles, etc.). The river Douglas means 'black stream (dub-glais).' Kenneth is not a Pictish name; a glance at the index of (say) the *Four Masters* would dispel this notion. The book bristles with doubtful and wrong etymologies; the work is full of perversities as well. Why should the author derive the name of the heretic Pelagius from Indo-European *pel*, fill, when his name is a Graeco-Roman adjective translating a Celtic Morgan, 'Sea-born'? Palladius is a similar word doing duty for Sucat, 'warlike,' St. Patrick's first name. The Gaulish and early Celtic Church was closely connected with the Eastern Church.

ALEXANDER MACBAIN.

THE RECORDS OF THE PROCEEDINGS OF THE JUSTICIARY COURT, EDINBURGH, 1661-1678. Edited with an introduction and notes from a manuscript by W. G. Scott Moncrieff, F.S.H., Advocate. Vol. i., 1661-1669. Pp. xxxiii, 349. Edinburgh: Printed at the University Press for the Scottish Historical Society, 1905.

THE title is somewhat misleading, because this is not an official record but is a copy of minutes with comments by an anonymous writer in the year 1683 (p. 105). It is obvious that he was a lawyer who was present at, at least, some of the trials, and who was especially interested in the procedure, he criticised the forms of the judgments rather than their merits; he showed little sympathy for suffering, and no indignation at cruelty.

In an admirable introduction the editor, Mr. Scott Moncrieff, has drawn attention to all that is valuable and noteworthy in the volume.

These criminal trials during the eight years from 1661 to 1669 are for the most part for common crimes, murders, assaults, thefts, and forgeries; as a rule, which were committed with more cruelty and more openly than in modern days. There are many charges which are no longer tried,

## Proceedings of the Justiciary Court 369

witchcraft, adultery, usury, 'depraving the law and traducing the government of Scotland,' etc. The crimes, the rank of the persons accused, the procedure, the acquittals, convictions, and punishments, all show that in the first years of the reign of Charles II. Scotland was in a wretched state of lawlessness and misgovernment.

We read of a mob in Edinburgh in 1664 which had to be dispersed by soldiers from the Castle, for which only one man was arrested, and the prosecution was dropped for want of witnesses. In 1665 MacDonald of Keppoch and his brother were killed, and so powerless were the ordinary courts that a Commission of fire and sword was granted to Sir James Macdonald of Slate, against the murderers and their associates, 'by virtue whereof he killed and destroyed many, and besieged others in a house, and having forced them out by firing, he cut off their heads and presented them to the Privy Council to be set in public places.'

The Highlands were almost beyond the reach of law. Sixty oxen and seventeen cows belonging to Lyon of Muiresk were carried off by Patrick Roy Macgregor and others, who murdered and robbed, and exacted blackmail. The writer says 'this Patrick Roy Macgregor was a most notorious and villainous person, but of a most courageous and resolute mind. He was a little thick short man, red haired, and from thence called Roy Roy. He had red eyes like a hawk, and a fierce countenance which was remarked by every person. He endured the torture of the boots, in the Privy Council, with great obstinacy, and suffered many strokes at the cutting of his hands, with wonderful patience, to the great admiration of the spectators, the executioner having done his duty so ill that next day he was deposed for it.' In 1668 the Earl of Caithness and his friends to the number of six or seven hundred men harried the Shire of Sutherland, but actions by and against the Earl of Sutherland were compromised and withdrawn (pp. 255, 295). The most interesting trials in this volume are those of the unfortunate Covenanters, who after the fight at Rullion Green were taken prisoners. Notwithstanding the quarter granted to them on the field, forty-one men were brought to trial within a month, and on their own confession (extorted, in at least some cases, by torture) were found guilty. Ten were hanged in Edinburgh on the 7th December, 1666, six on the 14th, and nine on the 22nd, and in the same month, four were hanged in Glasgow, and twelve in Ayr and Dumfries. In the following August there was a mock trial of nearly sixty absent men, who were found guilty of taking part in the rising, and were sentenced to be hanged whenever they were found, and all their property was confiscated.

In many of the trials the pleadings and arguments of counsel are of great length. A long libel was read, then answers for the defence, then the Lord Advocate replies, the accused's Counsel 'duplys,' the Lord Advocate 'tryplys,' the Counsel 'quadruplys,' the Lord Advocate 'quintuplys,' and the Counsel 'sextuplys' (pp. 315, 318). Many of these arguments are foolish. Mr. Birnie, afterwards Lord Saline, had

### 370 Proceedings of the Justiciary Court

a great practice in those days. In a trial for witchcraft he argued: 'It is an undoubted ground of law in the subject of witches that in *commutationibus et translationibus semper lucratur Demon*, and therefore the Demon does never loose a disease from one, but by transmitting it as from a person more significant, as from an elder to a younger, and from a beast to a man, whereas this lybelt bears the disease to have been translated from Katherine Wardlaw to the catt' (p. 12). If it were not for the horrible ending when women were strangled and burned, one would think the accusation and the defence to be fantastic nonsense.

The writer says of one trial, 'there is nothing remarkable in this process, for the libel is upon the common ground of compact with the Devil, renouncing of Baptism, keeping meetings with the Devil, and accepting his mark' (p. 4). A woman who was sentenced to death is said to have 'conversed with the Devil, and received a sixpence from him, the Devil saying how God had given her that, and had asked her how the minister was' (p. 9).

For one poor gentleman pity may be felt. Four men of rank, the eldest son of the Earl of Dalhousie, Douglas of Spott, Sir James Hume of Eccles, and Mr. William Douglas, son of the Laird of Whittingham, quarrelled over their cups at John Brown's, Vintner in Leith. They repaired to the Black Rocks on Leith Sands and fought with swords. William Douglas mortally wounded Sir James Hume; he did his best for the dying man, and asked his pardon; he and Douglas of Spott were arrested and imprisoned. Spott escaped from Edinburgh Castle. He never returned to Scotland. He sold his estate and became a Captain in the Scots regiment in France. Mr. William Douglas was less fortunate. He had 'almost escaped from the Tolbooth, having cut the stenchers of the window with aqua fortis, being ready to go away, he was taken.'

He was beheaded, but before he suffered 'he took the sole guilt upon him.'

ARCH. C. LAWRIE.

VESTERLANDENES INDFLYDELSE PAA NORDBOERNES OG SÆRLIG NORDMÆNDENES YDRE KULTUR, LEVESÆT OG SAMFUNDSFORHOLD I VIKINGETIDEN. Af Alexander Bugge. 403 pp. Christiania, 1905.

FOR a lengthened period it was a recognised principle among students of the history and antiquities of the North to regard the Northern mythology, literature, and culture generally as of native origin and growth—as Carlyle has it, 'kindled in the great dark vortex of the Norse mind,' and gradually developed therefrom, on their own lines, in warfare, freedom, religion, and literature. It was on this assumption that the learned treatises of Munch, Steenstrup, and other Norse scholars were produced, notably the great work of Worsaae, *An Account of the Danes and Norwegians in England, Scotland, and Ireland*, published in 1852. Similarly, we in the British isles have regarded Runic inscrip-

## Vesterlandenes Indflydelse paa Nordboernes 371

tions, Viking swords, and other relics of the Norsemen, from time to time brought to light, as evidents of the far-reaching influence of their power and civilisation in our own area; while place-names and racial characteristics among ourselves and elsewhere have been recognised as testifying to the same effect.

But the learned world, so far as interested in Northern studies and resting complacently on this assumption, received a rude shock when in 1881 Dr. Sophus Bugge of Christiania published his *Studier over de nordiske Gude- og Heltesagns Oprindelse* (first series). In this work Professor Bugge propounded the theory that, whatever the earlier stages of the Norse mythology may have been, it was to a large extent reinforced by accretions and imitations from Classical and Christian lore acquired by Viking adventurers and Norse traders of the ninth and tenth centuries in their intercourse with Western peoples in England, Ireland, and France, the fragments so gathered being afterwards gradually elaborated in their colonies in Orkney, Shetland, the Faroe Isles, and Iceland; while their manners of life and civilisation generally were effectively moulded in all departments by influences from the same quarter. This view was naturally not appreciated from the native and patriotic point of view, and it was at once vigorously combated by, among others, the late Professor George Stephens of Copenhagen, who devoted eight public lectures in the University of that city to its condemnation.

From that time to the present opinions among Northern scholars have varied, some acquiescing in the new theory, others abiding by the traditional view. But the whole question is now summed up in an elaborate enquiry by Professor Alexander Bugge, the son of the promulgator of the new theory, in the important volume which is the subject of this notice. In his Preface (*Forord*) the author explains the origin of the book, namely, that it is a response to an enquiry propounded at a meeting of the Scientific Society of Christiania on 3rd May, 1900, as to how far the external culture of the people of the North, and especially of the Norwegians, and their modes of life and social economy, have been influenced from Western countries? A committee of learned Professors sat to adjudicate upon the communications received in reply, and by them the Fridtjof Nansen prize was awarded to Professor Bugge, the result of whose laborious investigation is before us.

The author disclaims philological or archæological skill in dealing with his subject, but there is abundant evidence throughout of wide acquaintance with French and German authorities and with the ancient Celtic remains of Ireland which bear upon the times and the events in question, as well as with the extensive field of Icelandic literature which must ever remain the groundwork of such investigations.

After a long and learned introduction, the author, in working out the argument, treats the enquiry under the following and other subsidiary heads, in all of which it may be said, in a word, that the alleged moulding influences of the West upon the life and culture of ancient Scandinavia are very fully explained and enforced.

1. *Government*.—The sovereign power, embracing under this head the

## 372 Vesterlandenes Indflydelse paa Nordboernes

royal bodyguard, the external symbols of sovereignty, the state under King Harald Haarfagr, with his revenue regulations and administration generally; all described as having been based upon the model of Charlemagne.

2. *Apparel, Ornaments, Furniture, and Domestic arrangements.*—These are all considered to have been imitations of the Frankish and Anglo-Saxon. When the Vikings went out they were not barbarians, but had their own special characteristics and a tolerably high culture. Many of them became nominally Christians, but while professing to believe in Christ they invoked the aid of Thor for safety at sea and success in fight. They went out clad in their *Wadmal* (coarse native woollen cloth) and in garments of skin, but they came back in rich and variegated apparel, with the decorous manners of men of the West, while their inner culture received a marked development at the same time. Their views became wider, their contemplation of life deeper.

3. *Commerce, Shipbuilding, Shipping, Laying out of Towns.*—Great results came in these departments from the residence of Danes in London and their privileges there from the time of Knut (Canute) the Great, a steady commercial intercourse being kept up between England and the Scandinavian countries. The anchor, previously unknown, was then adopted by the Norsemen, and other improvements made. Towns were also laid out by them, not only at home in Norway but also in England.

4. *Warfare, Weapons, Accoutrements, Organisation and Equipment of the Army, Military Tactics, the Construction and Siege of Fortresses.*—The Norsemen had no cavalry until they adopted that arm in imitation of the French, from whom also the art of building castles and fortresses was derived. The so-called 'Viking' sword is attributed to a Frankish origin. Their buildings were all in rectangular form.<sup>1</sup>

5. *Agriculture and Grazings.*—Turnip, cabbage, and other vegetables introduced. The Orcadians and Shetlanders were taught by 'Torf' Einar to use turf (peats), but the people of Norway always used wood for fuel. He must therefore have learned this from Ireland, for it is an old Gaelic custom.

6. *Coinage, Weights, and Measures.*—The impulse for minting was derived from the West, but the first coins struck in Ireland were by the Norsemen, and they were the first who carried on trade to any considerable extent between Ireland and foreign countries.

7. *Art.*—The Sculptured Stones of Gotland, Sweden, Denmark, and Norway are described, with numerous illustrations, exhibiting a close resemblance to Celtic and Anglo-Saxon monuments of the same class, though possessing a distinctly Norse feeling at the same time.

8. *The Norse Settlements in the Faroe Isles and Iceland* in their relation to Western and especially to Celtic culture.—Here the first settlers, though of Norse origin, are presumed to have come mainly from the previous settlements in the British isles, a view which has been accepted also by

<sup>1</sup> There is no hint here of any knowledge in Denmark, Norway, or Sweden of the building of round structures like the 'Brochs' of Orkney, Shetland, and Scotland (the *Duns* of Pictland), as some writers have vainly supposed.



## Vesterlandenes Indflydelse paa Nordboernes 373

Munch, by Sars, and by Finn Jónsson. Many personal names are clearly Celtic, e.g. Donaldur, Donach, Gilli the Lawman, Ketil, Kolman, Konall, Kormak, Njall, etc., while such place-names as Dungansvik, Dungansnes (Duncan's wick, ness), Patriksfjorðr, Brjanslækr, etc., tell unmistakably the same tale: the Irish monks being commemorated in Papey, Paplyli, Papatjorðr, etc.

After the foregoing survey of the main aspects of the life and civilisation of the Norsemen, the detailed illustrations of which we have been able only to glance at, the book is concluded by an important Postscript (*Efterskrift*), in which the whole is summed up in a resumé of the argument which has been indicated under our abstract of the different heads. The author observes that in Norway itself the impression of Western influences was naturally slow and not so deep, many of the home-dwellers living well into the middle ages very much as they did in the Viking time. It was upon the men who had travelled and mixed with Anglo-Saxon, French, and Irish men that the foreign culture and manners made an impress which in the course of time resolved itself into the characteristic type of Northern civilisation as it is historically understood. But it was in Orkney and Shetland, according to the author, that the influences of the West went deepest, so that these islands 'could be called the Cyprus and Crete of Northern culture,' a flattering unctio never previously applied to them.

While Professor Bugge accentuates so pointedly the influences of the West, he does not, however, do so without some reservations. On certain points he is not without doubts, and some of his conclusions he acknowledges to have since modified. Notwithstanding all that had been advanced in favour of the new view, he still claims that much that is best among the Norsemen had its roots in the home ground; that in shipbuilding and seamanship they themselves taught other nations, that by their example they gave an impulse to aspirations for law, freedom, social independence, in the foreign countries with which they came in contact; in short, that the foundations of life, spirit, and manners in the North were essentially Norse,—which is to a considerable extent what is contended for by his opponents.

In view of these admissions by the accomplished exponent of Western influences, some of his conclusions may possibly be regarded as open to question. It might be denied, for instance, that the Irish or other Celts had mythological stories in any way closely akin to those of the Norsemen. Runes, which Professor Bugge is inclined to treat as an adaptation from the Roman alphabet, are regarded by some as having had their origin far back in the ages before the Norsemen came in contact with Roman civilisation from the West, dating rather from the time when traders from the Grecian colonies in Scythia introduced their wares, with somewhat of their culture, among the Goths of Gotland and of Scandinavia. It may also be permissible to suppose that the northern mythology, in its earlier forms, may have been current for centuries prior not only to the Viking age of the ninth and tenth centuries, but also to the beginning of the 'Wanderings' of the Northmen, which Professor Bugge

### 374 Vesterlandenes Indflydelse paa Nordboernes

with good reason would assign to the sixth, seventh, and eighth centuries. These myths are not likely to have had their origin in other lands and, after transplantation, to have grown to maturity in so short a space of time in Scandinavia. Certain it is that with the increase of intercourse between nations the influences of civilisation act and react, and it would indeed have been strange if, in the stirring periods of the Norsemen's 'Wanderings' and of the Viking age, the Scandinavian peninsula should not have been responsive to the strong currents of Western influence which were then everywhere encountered.

But while opinions may vary as to the wide and comprehensive scope of the author's conclusions, there can be no doubt as to the importance of the great series of facts bearing upon the subject which he has so laboriously accumulated, and which he has expounded with so much care and skill. The book must remain a monumental contribution to our knowledge of the development of civilisation in the north in an interesting and imperfectly understood period of European history.

It may be remarked, in conclusion, that the book is written in what professes to be modern Norse, or Norwegian, a kind of phonetic variation of the standard Dano-Norwegian hitherto commonly in use as the written language in both countries. As familiar examples may be cited 'Far' for *fader* (father), 'mor' for *moder* (mother), 'ha' for *have* (to have), 'gi' for *give* (to give), 'blir' for *bliver* (becomes), 'tusen' for *tusind* (thousand), and so on. Now this may have the merit of being an approximation to the local pronunciation, and it may be supposed to have some flavour of a distinct national tongue; but it is not beautiful, and if largely persisted in it can scarcely fail prejudicially to affect the etymological significance of the language.

GILBERT GOUDIE.

A HISTORY OF ENGLISH POETRY. By W. J. Courthope, C.B., M.A., D.Litt., LL.D., late Professor of Poetry in the University of Oxford. Vol. V. pp. xxviii, 464. 8vo. London: Macmillan & Co. Ltd., 1905. 10s. nett.

MR. COURTHOPE makes steady progress with his *History of English Poetry*. Twelve months ago we reviewed the third and fourth volumes. In this fifth volume, which deals with the eighteenth century, we have the mature and unified treatment of a period of literature, on which the author has long been a recognised authority. We do not think that Mr. Courthope's method of regarding poetry as the imaginative expression of the national life has ever appeared to better advantage. Perhaps its greatest merit is that it emphasises the continuity of our literature, and disproves any sudden revolution in taste. If the volume shows anything, it shows the error of the old opinion that, 'after the Restoration, England naturalised French principles of art and criticism.' Another merit of the method is that it attends to contemporary reputation. Accordingly, we find that such men as Granville, Walsh, and Pomfret are treated at greater length than in any other account of eighteenth-century literature, and we are more

## Paul: A History of Modern England 375

struck than we should have been with the novelty of the special chapters on the translations of the Classics, religious lyrical poetry, and the poetical drama from Southerne to Brooke.

D. NICHOL SMITH.

A HISTORY OF MODERN ENGLAND. By Herbert Paul. In five volumes. Vol. IV. pp. vi, 411. 8vo. London: Macmillan & Co. Ltd., 1905. 8s. 6d. nett.

THE first three volumes of Mr. Paul's history, which give an account of the period from 1846 to 1875, have already been reviewed in these pages (*S.H.R.*, vol. ii. p. 445). The fourth, now published, tells the story of the next ten years with the same vigour and brilliance which were exhibited in its predecessors. These ten years include political events of peculiar interest at the present time, when the Christian Powers are once more intervening in Turkey, and with perhaps as little success, in behalf of a subject Province, and the question of Home Rule for Ireland is again rising above the political horizon at home. In this volume the narrative is resumed at what Mr. Paul calls 'The Storm in the East,' marked by the agitation in this country over the 'Bulgarian Atrocities,' and culminating in the Russian invasion of Turkey in 1876. It is continued to the fall of Mr. Gladstone's government in 1885, 'a critical year in the history of England.'

As the history reaches times within recent memory its interest increases, and a sense of the author's force and skill, his wide knowledge and his firm grasp, grows upon his readers. He is still a partisan, but not a blind one, and he reads his own party many a candid and salutary lesson.

This volume, like the others, is provided with an admirable index.

ANDREW MARSHALL.

THE ITINERARY IN WALES OF JOHN LELAND IN OR ABOUT THE YEARS 1536-1539. Extracted from his MSS. Arranged and edited by Lucy Toulmin Smith. Pp. xi, 152. Small 4to. London: George Bell & Sons, 1906. 10s. 6d. nett.

As a man of learning and of indefatigable industry in the collection of information and notes during his six years' travels in England and Wales, John Leland, the earliest of our antiquaries (1506-1522), has always held weight. There are few topographers, indeed, who have not consulted his pages or felt the impetus given by his patriotic labours. The material of the present volume was printed by Thomas Hearne so long ago as 1774, but it was worth presenting in its present form, furnished out, as it now is, with editorial notes, appendices, a map, and a good index. Leland's journeyings were made in stirring times, when the dissolution of the monasteries was in progress, and the Welsh and English territorial divisions were being rearranged and reconstructed. It was in 1535-36 that the important Act 'for lawes and justice to be ministered in Wales in like fourme as it is in England' was passed—the Act, in short, by

which the Principality was united to England; and in these records of the antiquary's (Miss Toulmin Smith must not say 'antiquarian's') travels the new order of things is constantly being reflected. It is this which gives the book its chief value. The editor explains that the sequence of notes and narrative is so broken in the original MS. that she has 'pieced together what appear the personal and quite possible lines of travel.' The result is that we have Leland's material in a very much more satisfactory form than he left it.

J. CUTHBERT HADDEN.

THE FAR EAST. By Archibald Little. Pp. vii, 334. Large 8vo. Oxford, at the Clarendon Press, 1905. Price 7s. 6d. nett.

THIS is one of the excellent series of books on 'The Regions of the World,' edited by Mr. H. J. MacKinder. The author informs us in his preface that not being a geographer or geologist by profession, he undertook the task with much diffidence; that he did so in the hope that his long personal acquaintance with most of the countries described, would make amends for the lack of expert knowledge, and that the power acquired by a life-long residence in the East, of imparting a 'local atmosphere' to his descriptions would atone for deficiencies which he is the first to recognise. He further explains that the book was written at a distance from the great literary centres, and thus it therefore lacks some of the wealth of detail and plethora of accurate information that distinguished the other volumes in the series.

These statements somewhat disarm criticism. While it is evident that the book is somewhat deficient in scientific method and arrangement, it contains a vast amount of information, much of which has been derived from the author's observation during a long residence in China, and his extended travels in the neighbouring countries. Mr. Little is well known as a writer on China, and as he is now one of the oldest foreign residents, he has had ample opportunities for the collection of information, and time for the formation of opinions. These latter, in some cases, are occasionally tinged with the results of his own environments and experience, like those of many others engaged in commerce in China. The introductory chapters are the most generally interesting, and give an account of what is included under the name of the Far East. Naturally, the chapters on China proper are the most complete, and they contain a great deal of useful information, not only on the physical conditions of the country, but also incidentally on other matters affecting the future of industry and commerce. Those on the dependencies, Manchuria, Mongolia, Turkestan, and Tibet, and on the whilom dependencies, Indo-China and Corea, and the buffer-state of Siam, are reliable accounts of these countries, chiefly compiled from well-known authorities. Regarding Mongolia, he says that when by means of railways it has been brought into contact with the Western world, and its resources have been developed, it will be found that there is more in it than the desert of Gobi. It and Manchuria are destined to become important industrial and commercial countries. The mineral sources of Corea appear to be

## Michel de l'Hospital and his Policy 377

fully as great, in proportion to her size, as are those of the neighbouring mainland, and probably greater than those of volcanic Japan. If Mr. Little had availed himself of the information contained in the new German edition of Dr. Rein's book on Japan (which has not yet been translated into English), he could have brought the part on the Island Empire more up-to-date. The book was written before the outbreak of the war between Japan and Russia, and the results of this have modified some of the conclusions arrived at. Mr. Little hopes that his work may serve as a modest introduction to a more complete study of the countries of the Far East, and as such, we have no hesitation in recommending it.

HENRY DYER.

MICHEL DE L'HOSPITAL AND HIS POLICY. By A. E. Shaw, M.A.  
London: Frowde, 1905.

CET ouvrage sera lu avec fruit par ceux qui s'intéressent à l'histoire politique, religieuse et même littéraire du XVI<sup>e</sup> siècle. La figure de l'illustre chancelier de France est difficile à saisir. Cette étude en précise nettement et définitivement les traits. La vie et l'œuvre de Michel de l'Hospital s'y trouve habilement et méthodiquement reconstituée. On sent que l'auteur aime son sujet, le peintre son modèle, et les nombreuses indications bibliographiques, si utiles aux chercheurs, démontrent que Mr. Shaw a puisé aux meilleures sources.

L'époque frivole et tumultueuse où veint l'Hospital rend son caractère encore plus sympathique et il y a lieu de féliciter sans réserve Mr. Shaw d'avoir évoqué cette belle figure qui non seulement commande le respect et l'admiration, mais encore 'demands affectionate regards.' Les érudits trouveront avec plaisir un 'Appendix' qui met en lumière des faits importants.

ETIENNE DUPONT.

OLD MAPS AND MAP MAKERS OF SCOTLAND. By John E. Shearer.  
Pp. vi, 86. Cr. 4to. Stirling: R. S. Shearer & Son, 1905.

MR. SHEARER'S chosen task of republishing old maps of Scotland has found interesting variant in the issue of this attractive quarto sketch of the progress of cartography as applied to Scotland. Brief biographical notes on the map makers, from Strabo downward, and bibliographic data of the maps, are unpretentiously compiled, and convey a great deal of widely gathered information. The interest is heightened not a little by effective renderings in fac-simile of such beautiful maps as those of Ortelius published in 1570, Darfeville in 1583, and Gordon of Straloch in 1653.

CHURCH PROPERTY. The Benefice Lectures. By Thomas Burns,  
F.R.S.E., F.S.A. (Scot). Pp. xv, 275. 4to. Edinburgh: George A. Morton, 1905. 6s. nett.

THESE lectures, to which the Rev. Dr. Macgregor, D.D., contributes a very eulogistic preface, were delivered for the benefit of intrants to the



ministry in the four Scottish Universities. They are divided into 'Church Records,' 'The Benefice,' and 'Sacramental Vessels and Church Furniture.' The first is the most interesting to the historian as the author recounts how the Scottish Church has become dispossessed of many of its MSS. 'Outed' incumbents removed many of the parish records during ecclesiastical changes. The Restoration Parliament deliberately burned others; the earliest Records of the General Assembly from 1560, after being mutilated by Archbishop Adamson, were removed to London from the Bass and finally lost on the way north by shipwreck. Other duplicates were transferred by Bishop Archibald Campbell, whose 'craze' took the form of 'collecting rare books,' to Zion College, and were eventually destroyed by fire in 1834. The author urges more care to be taken of the MSS. and all church property in the future, and gives what is exceedingly valuable, a detailed list of the Scottish Church Records which still are known to exist.

A. F. S.

There is an excess of disputation on method in inaugural lectures on history. The professors—a plague on their conflict of schools!—prolong debate about how they are best to teach. Mr. Oman, Chichele Professor of Modern History, in his *Inaugural Lecture on the Study of History* (Clarendon Press, 1906, pp. 30, 1s. nett) is the latest contributor to the discussion of the true province of history in the University curriculum. Is it to educate the plain man, or is it also to equip the 'researcher'? Sketching the introductory professorial deliverances of Stubbs, Freeman, Froude, and York-Powell, and treating Acton as a somewhat painful illustration of unfocussed studies, Professor Oman replies to Professor Firth's plea for historical teaching of history (see *S.H.R.* vol. ii. p. 339) by the contention that the University is a place much more of education than of research, seeing that so small a percentage of graduates can ever be destined to take up the burden of original research. A warm advocate of discovery as essential to real effort in history, Professor Oman urges the necessity of definiteness of studies, the importance of modern languages as compulsory subjects, and the wisdom of not waiting until the eleventh hour in putting forth a thesis of new conclusions. The risks of contradiction and qualification are as inevitable at the end of the day as at noon. Timidity and diffidence at times deprive us of good work. 'Knowledge not committed to paper is knowledge lost.' Mr. Oman raises a shrewd question when he asks why we have no real history of medieval Scotland.

We have received from Mr. C. Poyntz Stewart a reprint from *The Genealogist*, of his critical essay, *The Red and White Book of Menzies: a review* (Exeter: Pollard & Co., 1906. Pp. 20. 1s.). Of course Scottish antiquaries have known that the foolish *Red and White Book* was beneath serious attention. Mr. Poyntz Stewart's detailed scarification and exposure of its ignorance and ineptitude will, notwithstanding, be useful.

Messrs. A. & C. Black have added to their 'Who's who?' Series *The Writers' and Artists' Year Book, 1906, a Directory for Writers, Artists, and Photographers* (88 pages. Crown, 8vo. cloth. 1s. nett). This little volume contains lists of Papers and Magazines and many details of British and American Publishers, and other information which may be of interest to writers or artists. The usefulness of 'Who's who' is already so widely known that this supplement to the series will be welcomed.

A History of the Tron Church and Congregation is promised for the autumn by the Rev. D. Butler. It is to contain much biographical and topographical information about old Edinburgh from record sources, including interesting seat-lists of the church under Cromwell in 1650 and Prince Charlie in 1745.

In the *English Historical Review* (Jan.) there is discussed once more the alleged notarial 'Will' of James V. Mr. Morland Simpson, who maintains that it was no 'forgery,' misconstrues the well-known docquet *Schir Henry Balfour instrument that was never notar*, reading the last word as a reference to the instrument. That it refers to the man is self-evident. It seems pertinent to ask the disputants here, Mr. Lang, Prof. Hay Fleming, and Mr. Simpson, if Balfour really was an apostolic Notary as he styled himself.

Magazines old and new come regularly to us from home and foreign parts. Among foreign periodicals we note in the *Revue Historique* (Jan.-Feb.) an essay on the ordeal in Greece. The *Archiv für das Studium der neueren Sprachen* (December) contains a text edited with collations from twenty-nine manuscripts and incunabula of the *Disticha Catonis* paraphrased in English by Benedict Burgh. The *Annales de l'Est et du Nord* (Berger-Levrault, Nancy) is a new quarterly of Belgic history with, notably, burghal and battle studies. Its first year's work is both learned and attractive. Another new quarterly promising good service within our own seas is *Northern Notes and Queries* (Dodds, Quayside, New-castle), the columns of which open with a historical note on 'Clerical Celibacy in Carlisle Diocese,' by Rev. James Wilson. In the *American Historical Review* Dr. H. C. Lea has a study of Italian mysticism as exhibited in the career and condemnation of Miguel de Molinos (1630-96). The *Revue des Etudes Historiques* (Nov.-Dec.) has a lively and curious article on the dance in fifteenth to eighteenth century Italy, including the *gaillarde*, the *branle*, and the *giga*.

Only a general acknowledgment is possible for *The Iowa Journal*, *Kritische Blaetter*, *Review of Reviews*, etc., and numerous smaller periodicals on local antiquities, etc., such as *The Rutland Magazine*, *Berks, Bucks and Oxon Archæological Journal*, *Scottish Notes and Queries*. *The Reliquary* (Jan.) has pictures of the East Wemyss caves and a survey of recent Roman research spade-work.

## Queries

A DISPUTED PASSAGE IN KNOX'S HISTORY. Knox is not usually an obscure writer, but the following passage (*History*, i. 92) has caused searchings of heart. I give it with the interpolation of Calderwood, and with the marginal note of David Buchanan (1644), both printed in italics. Knox writes: 'This finisshed,' (the Cardinal's doings with the dying James V.,) 'the Cardinall posted to the Quene, laity befor delivered, as said is. At the first sight of the Cardinall, sche said, "Welcome, my lord; is nott the King dead?" What moved hir so to conjecture, diverse men ar of diverse judgementis. Many whisper that of old his parte was in the pott, and that the suspition thair of caused him to be inhibite the Quenis company. . . .' Here Calderwood, who has been transcribing Knox, interpolates, '*It was reported that he was disquieted with some unkindly medicine.*' David Buchanan (*Knox's History*, p. 34, 1644) has not Calderwood's interpolation, of course, but adds a marginal note of his own: '*Others stick not to say that the King was hastened away by a potion.*'

Knox's own narrative runs on from 'inhibite the Quenis company', thus, 'Howsoever it was befor, it is plane that after the Kingis death, and during the Cardinallis lyif, whosoever guydit the Court he got his secreat besynes sped of that gratiouse Lady, eyther by day or by nycht.'

The question arises, who is the subject of the sentence beginning 'Many whisper that of old his part was in the pott. . . .' I have never had any doubt that the subject is the King. The Queen says: 'Is not the King dead?' Knox's next sentence reports suspicions as to how the Queen could come 'so to conjecture' as to the King's death. For three or four days the King had been very near death, and the guess, whether made or not, was natural. Knox's next sentence begins: 'Many whisper that of old his part was in the pott,' that the King's part, death, was in the pot,—so I read it, and 'whisper' that this suspicion 'caused him to be inhibite the Quenis company.' This is mere tattle. If the whisperers thought that the King was too little with the Queen, they would say that he was 'inhibite'—by his doctor, perhaps.

That Calderwood understood the passage as I do, I gather from his interpolation, immediately following, 'causit him to be inhibite the Quenis company,'—'it was reported that he' (the same subject) 'was disquieted by some unkindly medicine.' Had Calderwood understood that not the King, but some one else, had his 'part in the pott,' and was 'inhibite the Quenis company,' he ought to have written: 'It was reported that the *King* was disquieted with some unkindly medicine.'

I take David Buchanan to have also read the passage as I do, because, as I read it, Knox asserted that many whispered that the King's part 'of old was in the pot,' that is, there was a design of long standing to poison the King. Buchanan, I think, in his note, means that others go even further than Knox's whisperers, 'others stick not to say that the King was hastened away by a potion.' There was not only an old design to poison the King, 'others say,' but it was actually carried out, and, as usual, there were murmurs to that absurd effect.

Knox then goes on: 'Howsoever it was befoir,' that is, as I read it, whether the Cardinal and the Queen were, before James's death, in such close relations that they conspired to poison him;—or, if you please, whatever their relations were *before—after* the King's death, the Queen was the Cardinal's mistress. For that, of course, is the insinuation under 'the Cardinall got his secreat besyness sped of that gratiose Lady, eyther by day or by nycht.'

Before I became aware of the interpolation of Calderwood, and the marginal note of David Buchanan, I had supposed, and stated in my *History of Scotland* (1902) and my *John Knox and the Reformation*, that Knox reported rumours of a design, between the Cardinal and the Queen, to poison the King. After reading Calderwood and Buchanan, I believe firmly that they interpreted the Reformer's words as I do. But it has been objected that the person whose 'part was of old in the pot,' and who was 'inhibite,' or suspected to have been 'inhibite the Quenis company' is—Cardinal Beaton. What the phrase, 'part in the pot,' may mean, on that showing, is, I guess, that the Cardinal was, of old, the Queen's lover. It would be interesting to learn whether any other example of the use of 'the pot' in that sense occurs. That James was rumoured to be jealous of the Cardinal is certain (Sadley reports the tattle among others). Such rumours are always current about kings and queens. That the Cardinal would be supposed to be 'inhibite the Quenis company,' if he chanced seldom to be in it, (which nobody proves), is also certain, given human nature, especially in Scotland at that period. That the sentence beginning 'Howsoever it was befoir' makes perfectly good sense, if the Cardinal is the subject suspected of having been 'inhibite the Quenis company,' is also obvious. But I do not see that it makes worse sense if the passage is understood as I understand it; while if the King could 'inhibit' the Cardinal: the King's medical and other advisers, if suspicious, (and many of them, like Michael Durham, *were* suspicious, being Protestants), could 'inhibit' the King.

If Calderwood did not agree with me, he understood the subject of 'Is not the King dead?' to be, of course, the King. The 'he' in the very next sentence, Calderwood understood to be the Cardinal. The 'he' in his own interpolated sentence which follows 'it was reported that *he* was disquieted with unkindly medicine,' Calderwood, on this showing, meant to go back to the King *again*! This appears to me to be an impossible hypothesis. Again, if Buchanan did not understand that 'the part in the pot' was poison, meant for the King, why should he note that 'others stick not to say' that the King was actually poisoned?

If I am wrong, I can plead that the Reformer expressed his insinuation with appropriate obscurity. If I am right, he is only adding old 'whispers' of others about a design of murder, to his own often repeated broad hint at adultery on the part of Mary of Guise, 'that noble lady,' as George Buchanan calls her.

ANDREW LANG.

LAST DAYS OF JAMES V. After writing the last note it occurred to me to find out how James V. passed the fortnight between the defeat of Solway Moss (November 24) and his arrival at Falkland to die there (December 6-7). Not one of our historians, I think, mentions that James, out of this fortnight, passed nearly a week with his Queen at Linlithgow. Knox says nothing of that, but mentions a visit by James to one of his mistresses, 'houres' is the Reformer's word.

From entries in the MS. *Liber Emptorum* and Treasurer's Accounts, and in the *Register of the Great Seal*, I find that James was—

Nov. 24. At Lochmaben.

Nov. 25-26. At Peebles.

Nov. 26-30. At Edinburgh.

Nov. 29. He received a letter from the Queen at Linlithgow.

Nov. 30. He went to Linlithgow to the Queen.

Nov. 30—Dec. 5. He was at Linlithgow.

Dec. 6-7. He appears to have been at Linlithgow (uncertain).

Dec. 7. He took to his bed at Falkland. '*Aegrotat.*'

He died at midnight on Dec. 14, or Dec. 15.

The *Liber Emptorum* gives each date on different pages.

ANDREW LANG.

ST. GILES AND CHILDREN. When describing Pont-Audemer in Normandy, Mrs. Katharine S. Macquoid in her *Through Normandy* (p. 303) says: 'We had been told that there was to be a special service for children on the fête of St. Gilles, and that all timid children were brought to church by their mothers on this day to cure them of fear of being left in the dark. Very early indeed, even before we went out, we saw a mother carrying a smartly dressed child to church; but by ten o'clock the children's service was over, and only a few of the little ones stayed for *la grande messe.*' Husenbeth in his *Emblems of Saints* (pp. 356-7) assigns as the patrons of children St. Nicholas and St. Ursula, and as the patron of infants St. Verena. In Baring-Gould's *Lives of the Saints* there is nothing to connect her with infants; but what is of interest is the fact that her day in the Calendar is 1st September—the festival of St. Giles. The hind is a familiar attribute of the latter saint in allusion to its having sought refuge at his side when pursued by hunters. In her *Sacred and Legendary Art* (vol. ii. p. 769) Mrs. Jamieson says: 'He (St. Giles) was the patron saint of the woodland, of lepers, beggars, cripples; and of those struck by some sudden misery, and driven into solitude like the wounded hart or hind.' Is there any incident in the saint's history connecting him with children?

18 Colinton Road, Edinburgh.

J. M. MACKINLAY.



## Communications and Replies

THE ANDREAS AND ST. ANDREW. The article on this subject in the *Scottish Antiquary* for January, 1906, contains much that is interesting. But it is distressing to see the unhappy misstatements as to the connexion of *Andreas* with the *Fata Apostolorum*, owing to the repetition of the old misleading guesses upon this subject.

The writer has obviously never seen my article at p. 408 of *An English Miscellany*, Oxford, 1901. I there show that these poems have never yet, to this day, been printed as they exist in the Vercelli MS.; but rather, on the contrary, all kinds of fictions have been published by the editors, who wholly ignore the true division of the poem (for it is all *one* poem in the MS.) into fits or cantos. It was possible for them to do so in former days, because the MS. was so inaccessible. But the beautiful facsimile of this Vercelli MS., issued by Wülker in 1894, renders a repetition of the old fictions deplorable.

Every possible mystification has been perpetrated. The poem (though it ends with FINIT, followed by a blank quarter of a page) has been cut into two parts, each of which has been called by an inappropriate name. There is no such poem as *Andreas*, if we are to judge by its actual contents. There is no title in the MS., but the author himself (who presumably knew his own intention) announces, in ll. 2-11, that his subject is *The Twelve Apostles*. Having said this, he first singles out, *not* St. Andrew, but St. Matthew, as his principal subject; and St. Andrew is afterwards introduced incidentally, because it was he who came to the rescue of St. Matthew when he got into trouble. The fact that St. Andrew's adventures on this occasion are treated of at great length does not alter the fact that St. Matthew is first considered. The poem consists of 16 fits or cantos. The subject (says the author) is *The Twelve Apostles* (as above). The first 15 fits give, at great length, the story of St. Matthew, and his rescue by St. Andrew. In the 16th, the author reverts to the theme he had at first announced; but, finding that the whole story would be too long, accounts for the rest of the Apostles by merely mentioning their ultimate fates.

The facts which have been misrepresented are these:

1. The poem is divided into 16 cantos; these are not numbered, but are distinguished by capital letters at the beginning, and by the occurrence of a space of *one* line only between them.

But Thorpe shows this in a most meagre way, by using just a short line, about a third of an inch long. And when he comes to the 16th canto, or epilogue, instead of marking the end of the 15th canto as usual,

he draws a double line, ends the page, and starts a new page, with the heading: 'The Fates of the Twelve Apostles, a Fragment'; and makes it a fragment (!) sure enough, by calmly ignoring the last page of the MS. on account of its dirty state, though most of it is clearly legible.

2. Next Grein, who never saw the MS., divides the poem into *twelve* cantos, out of his own head, wrongly; separates the last canto from the rest, wrongly; and actually places it at the *beginning*! That is how the epilogue came to be separated from the rest still more effectually than before, viz. by sheer force.

3. Kemble omits the epilogue altogether.

4. Baskerville divides the poem (*i.e.* 15 fits of it) into 29 fits; all out of his own head, and all in the wrong places.

5. Because Thorpe omitted the last 27 lines, Grein omits them also.

6. Professor Napier printed the last 27 lines in the *Zeitschrift für deutsches Altertum*, vol. xxxiii. But he is not our only witness; for Sievers discusses them in *Anglia*, vol. xiii. And again, Wülker (independently) prints them so as to show exactly how much is legible, at p. viii of the Introduction to his *Facsimile of the MS.* The statement that 'Professor Napier came upon a set of lines containing the runes of the name of Cynewulf' is due to a complete misapprehension; for every one who consults the MS. will see that no one can miss the lines in question. They are simply the very lines which Thorpe so coolly ignored! And to say that there is doubt as to the incorporation in the *Fates* of these runic lines is a direct ignoring of the MS. itself. Even in the parts that are legible any one can see the runes *U* and *L*; and Professor Wülker could read the statement that 'F thær on ende standath,' *i.e.* that 'F stands at the end thereof,' which is true for Cynewulf, surely. We need not all shut our eyes in order to support needless paradoxes.

I cannot give all my arguments all over again. My former article occupied thirteen pages, tightly packed, for the most part, with solid facts that cannot be ignored. Briefly, even the facsimile of the MS., which ought to be accessible, fully proves that the poem wrongly called *The Fates* is part and parcel of the poem wrongly called *Andreas* instead of *The Twelve Apostles*. It is a mere epilogue, never even to this day printed in full; and it contains the letters F, W, U, L (*i.e.* WULF, for we are told that F comes last), followed by CYN. The scribe seems to have omitted the line involving E; but we have in any case, the letters CYNWULF (F is at the *end*); and it is mere perversity to ignore this, and to pretend that there is no evidence!

But all experience shows that when a matter has been misunderstood to such an extent as this unlucky poem has been, preconceived ideas are sure to arise against which the direct testimony of a manuscript is powerless. I do not write to convince others, but rather to point out a method whereby they may convince themselves. If Thorpe had printed the poem *in full*, all subsequent trouble might have been saved. And he never ought to have cut away the epilogue from the rest, in contradiction of the evidence.

WALTER W. SKEAT.

THE SCOTTISH CHURCH MILITANT OF 1640-3. That the great national uprising against the Crown which took place in Scotland in 1639, was indirectly due to the Church, is a matter of notoriety; the direct part played by Kirk Sessions in the struggle, in regard to the enrolment of forces and supply of their necessary equipment, is not so well known.

A few references to the matter are found in the Minutes of the Kirk Session of St. Cuthbert's, Edinburgh—probably the most perfect series of parish records now extant—which throw some light on the subject.

The first notice appears in the minute of the meeting of 2nd July, 1640, in the shape of a memorandum for pulpit use on the following Sunday. It runs thus:

'To admonish the people to be at the Sands in Leith on Monday at five hours in the morning the cheist men in the paroch to be at the Committee on Monday at ane efternone.'

This evidently refers to the gathering of forces for the approaching invasion of England, and the muster at Dunglass, where, by the middle of the month, Leslie found himself at the head of a force of 20,000 foot and 2000 horse. Conscription in this high-handed fashion was a disagreeable novelty, and even though the injunction came from the pulpit, apparently no attention was paid to it, as may be inferred from the next reference to military matters appearing.

July 23. 'The haill heritors to be at the Committee on Fryday 24th July and in special, Mr. Samuel Johnston and James Duncan. Captain Inglis appeared before the Session and showed ane warrand fra the Committee for taking up the names and desirit ye ministers to choose with him quilk they promised, the number in this paroch extending to sixty-five men.'

In the minute of the next meeting the following entry is interpolated in an irregular fashion: 'Durie his discharge of the voluntarie contributione resaved ye 24th July 1640, fra Mr. William Arthur and Mr. James Reid ministers at the West Church, and Mr. Neper thesaurer the soum of acht hundreth threescore nyne punds fiftene, and that for the voluntar contributione of the paroch of St. Cuthberts—sindit wt his hand foresaid.'

Mr. Arthur was a man of some note in the Church. With his colleague, Mr. Dickson, he gave offence in 1619 to the Episcopal party in power at the time, by their refusal to comply with the Royal command that in the celebration of the Lord's Supper the elements should be dispensed to the communicants only when in a kneeling posture. Dickson was specially obnoxious—his wife's sister, it may be mentioned, was Mrs. Mein or Mean, who, according to Woodrow, played the part popularly ascribed to Jenny Geddes—and he was ordered to enter himself in ward in Dumbarton Castle; but Arthur, owing to his friendship with some of the bishops, was more leniently treated. At this time (1640) he was an old man, having been inducted to the parish in 1607. Mr. Neper was William Neper or Napier of Wrichtishouses.<sup>1</sup> The voluntary con-

<sup>1</sup> The demolition of this picturesque old mansion, to make room for Gillespie's Hospital, Wilson much regrets in his *Memorials of Edinburgh*.

tribution, if gauged by the difficulty the Kirk Session had in raising smaller sums for the maintenance of the church fabric, was a liberal one, but nevertheless, it suggests, in a striking manner, the extreme poverty of the country. According to dourc Davy Deans: 'In those days folk did see men deliver up their siller to the State's use as if it had been as muckle sclate stanes,' but yet the contribution actually amounted to only £72 10s. sterling. Three years later, when money was being raised in England for the purpose of putting down the Irish Rebellion and relieving the afflicted Protestants, John Hampden's individual subscription was £1000.

'1641. Sept. 10. Memorandum to remember in the Sermon the happie success of the Arms at Newcastle.'

This refers to the capture of Newcastle by Alexander Leslie on the 30th August.

'Sept. 2. Memorandum that a solemn feast for praising god be kept on Tuesday the 7th September for the happie and safe returne of our armie from England.'

On 25th August Leslie had re-crossed the Tweed. It was immediately before this—on the 14th of the same month—that Charles entered Edinburgh, in the vain hope of winning the affections of his northern subjects.

In the end of 1643 the Scottish Estates resolved to join the forces of the Parliament in their revolt against the Crown, and dispatched the army which played such an important part at Marston Moor and other places. The following entries with regard to this second expedition occur:

'1643. Sept. 7. Memorandum—that all the noblemen, heritors, and freeholders meit on Tuesday next in the Parliament House, to reccave orders for taking up of the fencible men in the paroch.'

'Sept. 14. Innerleith, Coattes, Broughton, Deane, and the ministers to go through the paroch to tak up the names of the fencible men within the paroch according to the book of examination as the Committee has ordained.'

'Sept. 21. To advertise the heritors gentilmen to be on Fryday next at the Committee and everie Tuesday following during the sitting of yr off.'

'Dec. 28. Ane general faste appoynted to be kept on Sunday cam 8 dayes and the Wednesday following.'<sup>1</sup>

'1644. Jany. 18. No Sessioun keiped the preceeding Thursday in respect the presbitrie did meit concerning sundrie necessarie affaires for furthering the present expeditioun for England.'

'Jany. 25. The Committee of the schyre desires two gentilmen of the paroch to attend everie Monday the Committee for the public affaires.'

'Novr. 21. Richard Hendersone be ordinance of the Sessione gave in to James Riddell, Collector for the soldiers clothes, two hundreth fiftie merk twelf shillings and of clothes 23 pair hose, 23 pair shone.'

Though not quite germane to the subject, it is perhaps worth while noting, as showing the domineering way in which the regnant faction

<sup>1</sup> This was in view of the approaching departure of the Scottish Army, which, on the 19th of January, for the second time crossed the Tweed.

in the Church then acted, that after the defeat of the Scottish Army under the command of the Duke of Hamilton at Preston, all those of the parish who had taken part in it, were called to account. This expedition was styled 'The Unlawful Engagement,' and several references to it occur in the minutes. Sir William Nisbet of Dean, a leading heritor, was one of the officers in command, and apparently quite a large contingent from St. Cuthbert's had marched under him.

The first notice regarding this is in reference to a William Wilsone, who had given in his name to the session clerk in order that the proclamation of the banns of his intended marriage might be made: but he was one of the offenders, and before the proclamation of banns was allowed, his brother had to become his surety under a penalty of forty pounds that the said William would satisfy the Church for being a party to 'the engagement.' This seems a very shabby way of getting at a man, but not many of those who fought at Preston were in Wilson's position, and in order to reach the rank and file of those who had disobeyed their injunctions, the Church apparently had recourse to a very ingenious plan. The following entries would lead us to infer that a resolution was passed, that in the then critical position of affairs, it was desirable that the Solemn League and Covenant should be again sworn to and subscribed. There is nothing to show that this was the result of any general ordinance by the Church; indeed, there was no specific reason for such action, for it had been generally sworn to and subscribed at the time—August 1643—of its being passed, and regulations were then issued as to those who must sign it in the future. Peterkin says nothing on the subject, and I am inclined to think that it was the action merely of individual presbyteries; unfortunately, the records of the Presbytery of Edinburgh are no longer in existence, so that the matter cannot certainly be determined; but by whomsoever devised, the measure was one potent for the purpose in view. To those who refused to sign it in 1643, no mercy was shown, their goods might be confiscated for public use, and they themselves banished from the kingdom; the spirit of the Church was now even more rampant. For residents in Rome it is a dangerous thing to quarrel with the Pope—there were many Popes in Scotland then—and practically all who had offended were willing to sign. But a question arose, Could such as were under the Church's censure be allowed to take part in such a solemnity without, in the first place, acknowledging their fault, and undergoing a public rebuke; and, if they declined to submit to this humiliation, was it not tantamount to refusing to subscribe? The entries which refer to the matter are as follows:

'1648. Nov. 14. The present day being the fasting day before the subscribing and renewing of the Leag and Covenant the names of them that had beine in the Unlawful Engagement quho upon their repentance was received follows.' Here are appended no fewer than 50 names, beginning with those of 'William Neper, Robert Thomsone, etc.'

'1649. June 10. James Somervell and Hew M'Lene for being in the Unlawful Engagement under the Duke of Hamilton professed their sorrow



therefor, disclaimed the lawfulness thereof, and were rescaved and therefor admitted to the subscribing of the Covenant.'

'Oct. 18. Intimation to be made the next Sabbath that all these quho are refused the Church benefits, etc., for being in the Ingage-ment that they address themselves to the presbitrie and offer satisfacione afterwards, otherwaiwes the censures of the Church to passe against them.'

It would appear from the way in which the matter drags on, that although the most of those who had offended saw fit to make their submission at once, others stood out until forced by pressure of circumstances to bow the knee. One of the last to do this was Sir William Nisbet of Dean, who had been the leader; he seems to have made his peace in 1650. After this date nothing more is heard of the matter. Four months later the battle of Dunbar was fought, when the reign of priestcraft may be said to have come to an end.

GEORGE LORIMER.

Durisddeer, Gillsland Road, Edinburgh.

THE CAMPBELL ARMS. In his article on *The Scottish Peerage*, in the number of this Review for October 1904, Mr. J. H. Stevenson puts the question (vol. ii. p. 13): 'If the Campbells are Normans, are their well-known arms—*gyronny of eight*—anything other than the four limbs and four spaces of a cross, such as a Norman might have drawn?' The objections to this are: (1) If a cross was meant, it might as well have been drawn; for it would have been easier to draw a cross than eight gyrons; and (2) Among the eight gyrons it would be impossible to tell which was the cross and which the field. Indeed the first thing to be remarked about the arms is that they consist entirely of field, and that the arrangement of this field is of great beauty, presenting now four black gyrons on a gold ground, now four gold gyrons on a black. The beauty of this arrangement may have occurred to Menestrier, who, in giving the similar arms of Berenger,—*parti, tranché, taillé, coupé*,—adds *qui est bien rangé* (*L'Usage des Armoiries* 1673, p. 50) showing that he considered them an example of *armoiries parlantes*. May not a similar allusion to the bearer's name be found in the arms of the surname Campbell? No doubt the most approved derivation of that surname is from *cam beul*, making it signify *wry mouth*; but its resemblance to *campum bellum* must have been early recognised; just as Beauchamp, the surname of the earlier Earls of Warwick, was rendered by *de Bello Campo*; and as the title of Montrose was translated *Montis rosarum*, although derived from the lands of Munross, a Celtic name of totally different meaning. The analogy in this latter case is carried a step further; for the arms of the Duke of Montrose have in the second and third quarters, *argent, three roses gules*, in fanciful allusion to the title. The surname Campbell would thus come to have the meaning of *fair field*, which could not be more appropriately expressed in heraldry than by *gyronny of eight or and sable*.

GEO. WILL. CAMPBELL.

The Spinney, Coundon.

## Adder's Head and Peacock's Tail 389

**ADDER'S HEAD AND PEACOCK'S TAIL.** In answer to Dr. J. A. H. Murray's note on this point in the *S.H.R.* of January, I give the line which contains the simile:

*Le ceann nathrach bidh (bithidh) earbull pencaig air.*

The word *nathair* here used does not specifically distinguish the adder from others of the serpent order, but is used indiscriminately to indicate both snake and viper, and of the former several varieties are common in the Highlands. In the west coast of Ross-shire the adder is known as *nathair-nimhe* (nimh = poison) and although that compound word does not appear in the Gaelic-English Dictionaries of MacLeod and Dewar, MacAlpine, or MacEachen, the translators of the Bible have it in Gen. xlix. 17, *Bithidh Dan 'n a nathair air an ròd, 'n a nathair-nimhe air an t-slighe*; = 'Dan shall be a serpent in the way, and an adder in the path.'

MacKenzie's *English-Gaelic Dictionary* has the following equivalents:

Adder = *Aithir*; *Beithir*.

Snake = *Righinn*; *Nathair-shuairc*. (*suairc* = mild.)

Viper = *Nathair-nimhe*; *Baobh*.

MacLeod and Dewar also render *Nathair-nimhe* and *Baobh* as viper. In the West Lowlands the local pronunciation of adder is (phonetically) èth-air.

In Jamieson's *Scottish Dictionary* there are several examples of early references to the peacock under the Scottish equivalents of Pown and Pownie, evident corruptions of the Latin, *pavo*, or the French, *paon*. Jamieson quotes a passage from Gawain Douglas's 'Virgil's Æneid.' A stately dance of the sixteenth century was called the 'Pavane,' apparently derived from the name of the peacock. A curious passage in the unpublished MSS. of Zachary Boyd, now in Glasgow University Library, enumerates the dances which the Daughter of Herodias purposed performing before Herod. Among these are 'the Pavane,' 'the Drunken Dance,' and 'Stravetespy.' Possibly this passage is the last in which the pavane is mentioned, and the first to allude to the strathspey.

A. H. MILLAR.

**THE FIRST HIGHLAND REGIMENT.** (*S.H.R.* vol. iii. p. 29, n. 8.) With reference to the statement in the note that 'the estate [of Barbreck, Craignish] passed to the Duke of Argyll in 1732,' the following facts may be of interest:

In 1662 heavy fines were imposed upon those gentlemen, who had made themselves obnoxious to the Government by taking up the Presbyterian cause, and Donald Campbell of Barbreck was called upon to pay for his indemnity the sum of £2666 3s. The estate was thus permanently impoverished. Debts increased upon the family, until 1732, when the creditors interfered, and tried to sell part of the estate. John, 1st Duke of Argyll, however, as Feudal Superior, claimed his ancient rights over the property, and asserted that the Charter 'secures to the Feudal Superior against creditors.' And he contended that, in consequence of the attempt of Archd. Campbell of Barbreck, the proprietor, to sell a portion for

payment of his debts, the estate reverted to himself. The Court of Session decided several times against the Duke, but the House of Lords (after the interlocutor of the Court of Session had been twice adhered to) finally decided in his favour. On the 10th May, 1732, it passed into his hands, until 1754, when it was bought from the Duke by Capt. Archd. Campbell, aide-de-camp to General Bland, Commander-in-Chief in Scotland. Capt. Archd. Campbell was a nephew to the late proprietor, and it seems probable that the Duke's main reason for asserting his claim was to preserve the estate to the family. (See a pamphlet by Frederick William Campbell of Barbreck, containing an account of his family, printed at Ipswich in 1830.)

In 1767 Capt. Archd. Campbell sold Barbreck to Major-General John Campbell of Ballimore, whose father was the second son of Alexander Campbell, sixth of Lochnell. This Major-General John Campbell commanded Fraser's Highlanders at Quebec in 1759. And in a letter referring to this action, General Duncan Campbell of Lochnell says, 'He went into the action a junior Major, and he came out of it commanding the regiment.'

Major-General John Campbell subsequently raised the old 74th, or Argyllshire regiment, the men being drawn chiefly from Lochnell and Barbreck. The present proprietor of Barbreck—James A. Campbell of Achanduin and Barbreck—is the General's direct representative.

W. H. MACLEOD.

SIR ARCHIBALD LAWRIE AND THE SWINTON CHARTERS. Last July I was permitted (*S.H.R.* vol. ii. p. 475) to reply to Sir Archibald's condemnation, in his *Early Scottish Charters prior to 1153*, of King David's charters of Swinton to his knight Hernulf, and I am loath to trouble you again on the subject. But I think it right to put on record in the pages of the *Scottish Historical Review* that I have since printed, in the *Athenæum* of February 3rd, a lengthy note in which Doctors Warner and Kenyon and Mr. Ellis of the Manuscript Department of the British Museum, Mr. Maitland Thomson of the Scottish Historical Department in Edinburgh, and Canon Greenwell of Durham, writing as experts and from their different points of view, allowed me to quote them severally as having carefully examined the original documents and as having no doubt of their authenticity.

GEORGE S. C. SWINTON.

MABON. In reference to the observations of Sir Herbert Maxwell as to the residence of 'Mabon' or 'Maben' (*S.H.R.* vol. iii. p. 243), it is perhaps not generally known that there is a small hill in the Parish of Dolphinton in the Upper Ward of Lanarkshire called Carmaben, which was, in the beginning of the seventeenth century, the seat of the Browns of Carmaben, afterwards known as the Browns of Dolphinton. I have been informed by the tenant of the ground that in ploughing the land traces of the foundations of an early building on the summit of the hill were quite apparent. Is this not more likely to have been the residence of Mabon than the other place suggested?

23a St. Andrew Square, Edinburgh.

RICHARD BROWN.

## Notes and Comments

JAMES VI. and I. in 1621 witnessed, at Burley-on-the-Hill, the *Masque of the Metamorphosed Gipsies*, written in honour of the Court by Ben Jonson. The outline and bearings of this topical and rather third-rate piece are interestingly shown by Mr. Vere Hodge in the October number of *The Rutland Magazine* (Oakham: G. Phillips). Among the characters is James, Marquis of Hamilton (born 1589, died 1624), whose likeness, painted by Van Somers, was engraved for *Lodge's Portraits*. Mr. Phillips has kindly allowed us the use of his reproduction. In the *Masque*, the Marquis has his fortune told by one of the gipsies, who reads his palm:

*James, 2nd  
Marquis of  
Hamilton.*

Only your hand, sir! and welcome to Court!  
Here is a man both for earnest and sport  
You were lately employ'd,  
And your master has joy'd  
To have such in his train,  
So well can sustain  
His person abroad,  
And not shrink for the load.

The allusion apparently is to the diplomatic success of the Marquis as the King's Commissioner at the Scots Parliament of 1621, when delicate business over the Articles of Perth was on the carpet. The portrait confirms contemporary accounts, that he was a goodly gentleman.

ON 10th February, 1306, Robert the Bruce, after the slaying of Sir John Comyn at the Greyfriars' Church of Dumfries, mounted Comyn's charger, rode to the castle of Dumfries and took it. And thus, according to the chronicler Hemingburgh, Bruce began the campaign which was to be maintained through many an adverse fate until the independence of the kingdom of Scotland was established. There was, therefore, good ground for celebrating so important a sexcentenary anniversary by the function at Dumfries on 10th February, 1906, when a memorial foundation stone was laid at Castledykes, on the Nith, a little below the town, within the moated enclosure which, in 1306, was the castle of Dumfries. The memorial stone is suitably inscribed with reference to the capture of the castle, as the inauguration of a fresh and finally successful effort towards the liberation of the country.

*Robert  
the  
Bruce.*

There were eloquent speeches fitting the occasion by Mr. William Murray of Murraythwaite, and Provost Glover of Dumfries, and in the evening Sir George Douglas delivered a stirring patriotic oration.

WE would draw the attention of those of our readers interested in the separation of Church and State in France to a short pamphlet, *Après la Séparation, suivi du Texte de la Loi concernant la Séparation des Eglises et de l'Etat*, par le Comte d'Haussonville (Perrin et Cie. Paris. Pp. 92. Prix 0'50), published in January last. M. d'Haussonville approaches the subject from the liberal lay Catholic point of view, but the special value of his *brochure* consists in the light it throws on the possibilities for working of the new act, particularly on the significance and probable constitution of the *Associations Cultuelles*, to which the law proposes to entrust the administering of the goods of the churches and the providing for all necessary expenses. M. d'Haussonville's paper is followed by the text of the law.

IN his excellent presidential address to the Royal Historical Society, which appears in the last number of the *Transactions* of that Society, Dr. Prothero, on retiring from the office of President, draws attention to the comparatively narrow scope of the papers published in its *Transactions*. He points out that during the four years of his office only two out of twenty-four papers are on foreign subjects, and only two or three more 'while primarily concerned with English affairs, have touched Continental history. Nearly half the papers—eleven out of twenty-four—have dealt with the medieval period. There have been only two on the history of the nineteenth century. There have been no papers on Greek or Roman history, none, in fact, on any period before the Norman Conquest.'

The present volume bears out these remarks. All its papers deal with medieval or sixteenth and seventeenth century history, and none is devoted to Continental history as such. Mr. Mason's interesting 'Beginnings of the Cistercian Order' can hardly be strictly classed under foreign history, since its subject is one which influenced English medieval life and thought in common with those of other Catholic countries, while Miss Edith Routh's careful study on the English occupation of Tangier (1661-1683), only touches on Continental history in connection with that of England. Irish, Welsh, and Scotch history are untouched. There is nothing in the title of the Society to preclude a wider scope, and its Fellows are therefore free to avail themselves of their ex-President's suggestions, and thus increase the interest of the good work done by their Society.